



**SPECIAL MEETING - ZONING BOARD OF APPEALS**  
**Tuesday, September 24, 2019**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Present:**

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

**Absent:** Dan Roszkowski

**Staff:** Scott Capovilla, Zoning and Land Use Administrator  
Lafakeria Vaughn – Assistant City Attorney  
Samuel Bellone – Administrative Assistant  
Mike Rotolo – Fire Inspector  
Jeremy Carter – Traffic Engineer  
Karl Franzen – Community and Economic Development Director  
Nelson Sjostrom – Construction & Development Services Manager  
Nicholas Meyer – Legal Director

**Others:** Kathy Berg – Court Stenographer  
Chad Tuneberg – Third Ward Alderman  
Joseph Chiarelli – Fourteenth Ward Alderman  
Franklin Beach – Tenth Ward Alderman  
Applicants and Interested Parties

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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, September 30, 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 by Chairwoman Pro-tem Kim Johnsen at 5:42 PM.

**ZBA 043-19**

Applicant  
Ward 04

**8055 Spring Brook Road**

Landform Development Partners, LLC for Stillman Bank  
**Zoning Map Amendment** from County AG, County Agricultural to City C-2,  
Limited Commercial Zoning District.

Kjell Kaashagen was present and represented the applicant Landform Development. The subject property is located on the east side of I-90, north of Spring Creek Road, west of Lyford Road and south of Spring Brook Road. The subject property is located in the County. The applicant had recently submitted a Petition for Annexation to the City of Rockford. Mr. Kaashegen explained that the applicant is looking to rezone the property to a C-2 zoning district to accommodate a casino.

Alicia Neubauer asked if there were any other requests, such as variances or landscaping. Mr. Kaashegen stated that there were no additional requests. The applicant wants the property to be rezoned for the potential development of a casino.

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

Gary Evans spoke against the application. Mr. Evans stated that he is concerned with the residential properties surrounding the subject property and the impact on property values. He stated that the proposed application would not fit the zoning for a C-2 zoning district.

Judy Mosher spoke against the application. Ms. Mosher lives in an adjacent property in Browns Creeks Subdivision. She explained that the rezoning of the subject property would take away agriculture. She asked if the subject property would not have a casino, would the subject property be reverted to County agriculture. Scott Capovilla explained the applicant has the subject property under contract and is performing their due diligence by obtaining the proper zoning. Mr. Capovilla further stated if the property would not get a casino, the applicant still has plans to develop the land.

Victory Bell spoke in support of the application. Mr. Bell stated that he was impressed with the casino meeting held on September 23, 2019. The applicant will be working with the City of Rockford to make sure the property is compliant with city ordinances.

Susann Rasmussen spoke against the application. Ms. Rasmussen stated that she lives in the Browns Creek neighborhood. Her concern was about the increase in traffic, lights, and noises from a casino. She does not want the area to be negatively impacted.

Mr. Kaashegen rebutted the objectors explaining that he cannot control lights or noise, but the applicant would be willing to work with neighbors.

During board discussion, Ms. Neubauer asked staff if the casino would fall through, would the zoning of the property revert to its original zoning. Mr. Capovilla stated that the applicant is planning to develop the property even if a casino is not awarded to this location. Mr. Capovilla further explained that any lighting and sound issues would have to meet the requirements of the City of Rockford Zoning Ordinance. Ms. Neubauer stated that development of this property seems like a logical path within that corridor.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Zoning Map Amendment from County AG, County Agricultural to City C-2, Limited Commercial Zoning District subject to the attached Findings of Fact. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT  
FROM COUNTY AG, AGRICULTURE ZONING DISTRICT TO  
C-2, LIMITED COMMERCIAL ZONING DISTRICT  
LOCATED AT 8055 SPRING BROOK ROAD**

**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 commercial 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 surrounding neighborhood.
- 2). The proposed Zoning Map Amendment is consistent with the approved general plan.

**ZBA 044-19**  
Applicant  
Ward 01

**7801 East State Street**

Attorney Ian Linnabary for (815) Beltway Holdings, LLC

**Special Use Permit** to increase the maximum allowable square footage for four (4) electronic message display signs from 36 square feet to 696 square feet for three (3) electronic message display wall signs and 1,276 square feet for one (1) electronic message display free-standing sign and;

- a) **Variation** to increase the maximum allowable number of free-standing signs from two (2) signs to five signs (5);
- b) **Variation** to increase the maximum allowable number of wall signs from two (2) wall signs to five (5) wall signs;
- c) **Variation** to increase the maximum allowed square footage of five wall signs from 240 square feet to 250 square feet for each wall sign;
- d) **Variation** to increase the maximum allowed height of a free-standing sign from eight (8) feet to 100 feet;

- e) **Variation** to increase the maximum square footage allowed for a free-standing sign from 64 square feet to 2,100 square feet;
- f) **Variation** to allow a rotating free-standing sign;
- g) **Variation** to increase the maximum allowed height of a free-standing pylon sign from eight (8) feet to 110 feet;
- h) **Variation** to increase the maximum square footage allowed for a free-standing sign from 64 square feet to 3,821 square feet;
- i) **Variation** to increase the maximum allowed height of a free-standing sign from eight (8) feet to 60 feet;
- j) **Variation** to increase the maximum square footage allowed for a free-standing sign from 64 square feet to 600 square feet;
- k) **Variation** to increase the maximum allowed height for two (2) freestanding landmark sign from eight (8) feet to nine (9) feet;
- l) **Variation** to increase the maximum square footage allowed for two (2) free-standing landmark sign from 64 square feet to 74 square feet;
- m) **Variation** to decrease the required perimeter landscaping strip from 20 feet to ten (10) feet along Lyford Road;
- n) **Variation** to allow deviations to the landscaping plan as per the submitted site plan in a C-3, General Commercial Zoning District.

Attorney Ian Linnabary, who is representing the applicant, was present. Attorney Linnabary was joined by Jeffrey Linkenheld from ARC Design, Scott Mutton from Ringland-Johnson, and Brent B. Johnson from Ringland-Johnson. Attorney Linnabary explained that there are three (3) Special Use Permits in this application. Each Special Use Permit is for an increase in electronic video display sign square footage. Attorney Linnabary explained that part of Hard Rock's brand is the large signage. With the large signage, it would draw traffic into the casino. The two (2) electronic video displays will play rock and roll videos. Hard Rock wants to create an experience while driving to the front entrance of the casino. Attorney Linnabary stated that he has been working with the City of Rockford staff on the application.

Kim Johnsen asked why there are three (3) signs on one side of the building. Attorney Linnabary explained that aggressive signage is part of the Hard Rock brand. The large signage is deliberate to convey the Hard Rock Casino brand and will help drive visitors to the casino.

Tom Fabiano asked if more signs would make more people aware that the casino is located on the subject property. Brent Johnson explained that the signs would face different ways and are designed to bring in traffic. He also explained that two (2) of the message boards are intended to give an experience to the visitors walking into the casino.

Attorney Linnabary summarized all of the sign variations that are on the application. Jennifer Smith asked if the signs would be illuminated, such as the guitars. Attorney Linnabary stated that some signs would be internally lit and some signs would be backlit and will comply with the zoning ordinance.

Attorney Linnabary summarized the landscaping variances. Alicia Neubauer asked what deviations were made acceptable and why there cannot be more trees in the landscaping plan. Attorney Linnabary explained that the deviations are in the staff report. He also explained that if the landscaping plan required more trees, it would take away from parking and obscure visibility of the site and signage. He further explained that the plan provided offers plant life and green space. Mr. Capovilla stated that there is a significant overhead ComEd easement on the South side of the property. He did not want them to think they could plant trees there as ComEd will only allow low-grow shrubs and grasses. Ms. Neubauer stated that she would like to see more landscaping units added. Craig Sockwell asked where buses and semi-trucks would be able to park. Attorney Linnabary explained that the bus drop off and parking is shown on the site plan in the southwest corner. There are only three (3) spots designated for bus parking. However, semi drivers would probably park across multiple spaces. If there is no space available,

there is a truck stop located across the street. Ms. Smith asked if the ten (10) foot setback would be along the south property line. Attorney Linnabary explained that the setback is along the western edge of the property line, and the bike path is along the right-of-way. Ms. Smith also asked if there would be a path from the RMTD transfer center to the casino. Attorney Linnabary responded that the applicant is working with RMTD and there may be a shuttle bus or some type of transportation between both places. Ms. Neubauer asked staff if the bike path would be built by the City and if more trees could be added to the path. Attorney Linnabary stated that the applicant would bear the expense of the bike path. The bike path would be located on the right-of-way. Mr. Capovilla said that landscaping usually is not allowed in the right-of-way. Jeremy Carter explained that trees would be allowed; however, maintaining the trees would be an issue. Ms. Neubauer asked who would maintain the bike path. Mr. Carter wasn't sure about who would maintain the path.

Attorney Linnabary summarized the reasons for approval and the Findings of Fact for the Special Use Permit proposals and Variation proposals. Ms. Smith asked what the minimum parking requirement would be. Attorney Linnabary stated that the parking requirements have been met and they are actually exceeding the required parking. Mr. Capovilla explained that the additional parking could be used for bus and semi-truck parking if they were to take up multiple spaces.

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

Patrick Kennedy, Vice President of Rockford Mutual Insurance, spoke on the application. His concern is that the large signs of a casino would cover his sign. He also stated that there is a substantial stormwater runoff, and it has to be addressed. Attorney Linnabary responded and said that Ringland Johnson Construction would be happy to discuss the drainage issues and would comply with the City of Rockford regulations. Attorney Linnabary also stated that he does not think the casino sign would impede the line of sight for the Rockford Mutual Insurance sign.

Ms. Johnsen asked if the waterpark would be torn down. Attorney Linnabary confirmed that the waterpark would be torn down.

During board discussion, Ms. Smith and Ms. Neubauer stated that they would like more interior landscaping. Mr. Capovilla stated that the parking requirements were conservative and were kept lower. If they choose to expand or add a hotel to the site, the applicant would need to build a parking deck. Ms. Neubauer stated that she does not like the electronic message boards. Ms. Smith stated that she does not mind the signs since they are facing the highway instead of a neighborhood. Mr. Sockwell stated that he is fine with the signs, but is comparing them to Mercy Health and what type of variances Mercy Health received. Mr. Capovilla stated that there is a difference between a casino and a hospital. This is a once in a lifetime opportunity for the City of Rockford. Mr. Capovilla further stated that this project is truly unique in scope and size and you cannot compare it to another development as there is no comparison. Ms. Neubauer stated that she does not like the number of signs and they could try harder to comply with interior landscaping and setback ordinances. She would like the interior landscaping requirement to be held to ten percent (10%) instead of the proposed five and a half percent (5.5%). Mr. Sockwell and Mr. Redd asked about the average amount of parking spaces for a casino. Mr. Capovilla stated that he had done research on Illinois Casinos and the amount of parking space is comparable or less than other casinos in Illinois.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for two (2) electronic message video display wall signs from 36 square feet to 644 square feet; **APPROVE** the Special Use Permit for one (1) electronic message video display wall sign from 36 square feet to 340 square feet and; **APPROVE** the Special Use Permit to increase the maximum allowable square footage from 36 square feet to 1,276 square feet for one (1) electronic message video display free-standing sign; and

**APPROVE:**

- a) Variation to increase the maximum allowable number of free-standing signs from two (2) signs to five signs (5);
- b) Variation to increase the maximum allowable number of wall signs from two (2) wall signs to five (5) wall signs;
- c) Variation to increase the maximum allowed square footage of five wall signs from 240 square feet to 250 square feet for each wall sign;
- d) Variation to increase the maximum allowed height of a free-standing sign from eight (8) feet to 100 feet;
- e) Variation to increase the maximum square footage allowed for a free-standing sign from 64 square feet to 1,160 square feet;
- f) Variation to increase the maximum allowed height of a free-standing pylon sign from eight (8) feet to 100 feet;
- g) Variation to increase the maximum square footage allowed for a free-standing sign from 64 square feet to 2,908 square feet;
- h) Variation to increase the maximum allowed height of a free-standing sign from eight (8) feet to 60 feet;
- i) Variation to increase the maximum square footage allowed for a free-standing sign from 64 square feet to 600 square feet;
- j) Variation to increase the maximum allowed height for two (2) freestanding landmark sign from eight (8) feet to nine (9) feet;
- k) Variation to increase the maximum square footage allowed for two (2) free-standing landmark signs from 64 square feet to 74 square feet in a C-3, General Commercial Zoning District.
- l) Variation to decrease the required perimeter landscaping strip from 20 feet to ten (10) feet along Lyford Road;

subject to the attached Findings of Fact. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

A **MOTION** was made by Alicia Neubauer to **DENY** the **VARIATION** to allow deviations to the landscaping plan for interior landscaping, as per the submitted site plan in a C-3, General Commercial Zoning District, and **APPROVE** the **Variation** to allow the additional deviations to the landscaping plan as per the submitted site plan in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Jennifer Smith and **FAILED** by a vote of 2-4 with Kim Johnsen, Craig Sockwell, Maurice Redd and Tom Fabiano voting Nay.

A **MOTION** was made by Tom Fabiano to **APPROVE** the m) Variation to allow deviations to the landscaping plan as per the submitted site plan in a C-3, General Commercial Zoning District. Subject to the attached Findings of Fact. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-2 with Jennifer Smith and Alicia Neubauer voting Nay.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT  
TO INCREASE THE MAXIMUM ALLOWABLE SQUARE FOOTAGE FOR TWO (2) ELECTRONIC  
MESSAGE VIDEO DISPLAY SIGNS FROM 36 SQUARE FEET TO 644 SQUARE FEET  
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD 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 C-3 District in which it is located.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT  
TO INCREASE THE MAXIMUM ALLOWABLE SQUARE FOOTAGE FOR ONE (1) ELECTRONIC  
MESSAGE VIDEO DISPLAY SIGNS FROM 36 SQUARE FEET TO 340 SQUARE FEET  
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD 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 C-3 District in which it is located.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT  
TO INCREASE THE MAXIMUM ALLOWABLE SQUARE FOOTAGE FROM 36 SQUARE FEET TO  
1,276 SQUARE FEET FOR ONE (1) ELECTRONIC  
MESSAGE VIDEO DISPLAY FREE-STANDING SIGN IN A C-3, GENERAL COMMERCIAL ZONING  
DISTRICT  
LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD 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 C-3 District in which it is located.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO  
INCREASE THE MAXIMUM ALLOWABLE NUMBER OF FREE-STANDING SIGNS  
FROM TWO (2) SIGNS TO FIVE SIGNS (5)  
C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD ROAD**

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

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

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO  
INCREASE THE MAXIMUM ALLOWABLE NUMBER OF WALL SIGNS**



**FROM TWO (2) WALL SIGNS TO FIVE (5) WALL SIGNS**  
**IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD ROAD**

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

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

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO**  
**INCREASE THE MAXIMUM ALLOWED SQUARE FOOTAGE OF FIVE WALL SIGNS**  
**FROM 240 SQUARE FEET TO 250 SQUARE FEET FOR EACH WALL SIGN**  
**IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD ROAD**

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.

5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO  
INCREASE THE MAXIMUM ALLOWED HEIGHT OF A  
FREE-STANDING SIGN FROM EIGHT (8) FEET TO 100 FEET  
IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD ROAD**

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
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7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO  
INCREASE THE MAXIMUM SQUARE FOOTAGE ALLOWED FOR A  
FREE-STANDING SIGN FROM 64 SQUARE FEET TO 1,160 SQUARE FEET  
IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD ROAD**

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
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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.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO  
INCREASE THE MAXIMUM ALLOWED HEIGHT OF A  
FREE-STANDING PYLON SIGN FROM EIGHT (8) FEET TO 100 FEET  
IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD ROAD**

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
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7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO  
INCREASE THE MAXIMUM SQUARE FOOTAGE ALLOWED FOR A  
FREE-STANDING SIGN FROM 64 SQUARE FEET TO 2,908 SQUARE FEET  
IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD ROAD**

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

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

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO  
INCREASE THE MAXIMUM ALLOWED HEIGHT OF A  
FREE-STANDING SIGN FROM EIGHT (8) FEET TO 60 FEET  
IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD ROAD**

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.

4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO INCREASE THE MAXIMUM SQUARE FOOTAGE ALLOWED FOR A FREE-STANDING SIGN FROM 64 SQUARE FEET TO 600 SQUARE FEET IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD ROAD**

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

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

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO INCREASE THE MAXIMUM ALLOWED HEIGHT FOR TWO (2) FREESTANDING LANDMARK SIGNS FROM EIGHT (8) FEET TO NINE (9) FEET IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD ROAD**

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

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

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO  
INCREASE THE MAXIMUM SQUARE FOOTAGE ALLOWED FOR TWO (2) FREE-STANDING  
LANDMARK SIGNS FROM 64 SQUARE FEET TO 74 SQUARE FEET  
IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD ROAD**

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO  
TO DECREASE THE REQUIRED PERIMETER LANDSCAPING STRIP  
FROM 20 FEET TO TEN (10) FEET ALONG LYFORD ROAD,  
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD ROAD**

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

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

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO  
ALLOW DEVIATIONS TO THE LANDSCAPING PLAN  
AS PER THE SUBMITTED SITE PLAN  
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 7801 EAST STATE STREET AND 255 AND 273 SOUTH LYFORD ROAD**

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

With no further business to come before the Board, the meeting was adjourned at 8:01 PM.

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