



ZONING BOARD OF APPEALS
Tuesday, November 19, 2019
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LTAB Members: Dan Roszkowski
Craig Sockwell
Jennifer Smith
Kim Johnsen
Tom Fabiano
Alicia Neubauer

Absent: Maurice Redd

Staff: Lafakeria Vaughn – Assistant City Attorney
Chad Baker – Assistant City Attorney
Samuel Bellone – Administrative Assistant
Scott Capovilla – Zoning and Land Use Administrator
Tim Morris – Fire Prevention Coordinator
Kelly Nokes - Engineering Operations Manager
Karl Franzen – Community and Economic Development Director
Nicholas Meyer – Legal Director

Others: Kathy Berg - Court Stenographer
Chad Tuneberg – Third Ward Alderman
Tuffy Quinonez – Eleventh Ward Alderman
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, November 25, 2019, at 5:30 PM in City Council Chambers in this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. This information was also presented in written form attached to the agendas and letters to adjacent property owners.

The meeting was called to order at 5:37 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes from the October 16, 2019 meeting as written. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0 with Alicia Neubauer abstaining and Maurice Redd absent.

ZBA 049-19
Applicant
Ward 02

3719 Guilford Road

Eric Seckinger

Variation to increase the maximum fence height of six (6) feet to eight (8) feet in the side yard in an R-1, Single family Residential Zoning District

The applicant, Eric Seckinger, and his fiancé Stephanya De La Fuente were present. Ms. De La Fuente passed out additional pictures of the property to members of the Board. Mr. Seckinger stated that he and his fiancé bought the subject property in 2018. He explained that his fiancé had seen someone watching her in the pool at night. He would like to have an eight (8) foot privacy fence to protect their privacy while in their backyard. The fence would only be thirty-one (31) feet long and would be on one side of the yard.

Jennifer Smith asked the applicant for clarification of the pictures. Mr. Seckinger explained that the pictures are of the framework of the fence.

Craig Sockwell asked if there was a fence on the other side of the home. Mr. Seckinger explained that there is a fence on the other side of the home. He had pulled the proper permit for the fence and it is six (6) feet high.

Alicia Neubauer asked if the applicant just wanted an eight (8) foot fence around a portion of the property. Mr. Seckinger explained that part of the rear yard had a six (6) foot fence around it and a chain-link fence on the side. He further explained that he would like to take out the chain-link fence and put the eight (8) foot fence where the existing chain-link is. The fence would include a gate for egress.

Kim Johnsen asked how the person watching Ms. De La Fuente was able to see with the backyard fence being a six (6) foot high privacy fence. Mr. Seckinger explained that a person was watching from the chain link in the back yard. Ms. Johnsen further asked, why one side of the property has a six (6) foot high fence and the other side has an eight (8) foot high fence. Mr. Seckinger stated that on the opposite side of the property, there are obstructions that make it hard for people to see over the fence. Mr. Seckinger passed out pictures of the fence of how it looks from the street.

Ms. Smith asked if the fence would be wood, and if the gate would be on the side yard facing north. Mr. Seckinger stated that the chain-link would be removed for the eight (8) foot high wooden fence, and the gate would be on the side yard facing north.

Dan Roszkowski asked why a six (6) foot fence would not work. Mr. Seckinger explained that due to the topography of the land, a six (6) foot high fence would not give enough privacy for him and his fiancé.

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

During the board discussion, Ms. Neubauer explained that a person should feel safe and comfortable in their home. However, security cameras, a dog, or other ways to deter people should be tried before erecting an eight (8) foot high fence. Mr. Sockwell agreed and also suggested motion sensor lights. Mr. Roszkowski stated that not many people could look over a six (6) foot fence.

A **MOTION** was made by Alicia Neubauer to **DENY** the Variation to increase the maximum fence height of six (6) feet to eight (8) feet in the side yard in an R-1, Single family Residential Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE FENCE HEIGHT FROM SIX (6) FEET TO EIGHT (8) FEET IN THE SIDE YARD IN
AN R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 3719 GUILFORD 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 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 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 050-19
Applicant
Ward 14

3382 South Alpine Road

Jamal Abed Rabbo

Special Use Permit for the outdoor storage of operable passenger vehicles and a **Variation** to eliminate concrete or asphalt paving and replace with gravel for outdoor storage of operable passenger vehicles area in an I-1, Light Industrial Zoning District

Heythem Sahori, a representative for the applicant, was present. Mr. Sahori explained that the applicant, Jamal Abed Rabbo, wants to acquire the subject property to use it to expand their current business, Twins Auto Mall. The subject property is located on the east side of South Alpine Road and approximately 300 feet north of the South Alpine Road and Sandy Hollow Road intersection. The neighborhood is a mixture of commercial and industrial uses. The building they are planning to buy is currently being remodeled. He explained that the applicant would like to have the Special Use Permit for two (2) to three (3) years while his current business expands.

Alicia Neubauer asked about the current business Mr. Sahori mentioned. Mr. Sahori stated that the applicant is currently in the business of selling cars.

Craig Sockwell asked if their current building does not have enough space and what would be in the building after the expansion. Mr. Sahori explained that the current building is not large enough for the business. Expanding the building would enable cars to be worked on in the current building and displayed for sale on the subject property.

Ms. Neubauer stated that she is not okay with the gravel and that the Board has been trying to remove gravel lots. She asked would the development of the property continue if the Board said no to the gravel. Mr. Sahori responded that he would have to talk to the applicant about that. The gravel would not be permanent and would be hidden behind a fence. There is asphalt leading to the gate of the property.

Staff Recommendation is for Approval of the Special Use Permit with fourteen (14) conditions and Denial of the Variance allowing gravel for outdoor storage of vehicles. No Objectors or Interested parties were present.

During the board discussion, Ms. Neubauer stated that she does not want to allow gravel since it does not control soil contaminants. Jennifer Smith asked Staff what the current ordinance is for having gravel. Scott Capovilla stated that the ordinance had been extended to November 1, 2021. Ms. Neubauer explained that she is okay with the development by staff recommendations with a timeframe of three (3) years for development. Tom Fabiano stated that by then the applicant would have to comply with the ordinance deadline.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Special Use Permit for the outdoor storage of operable passenger vehicles and **DENY** a Variation to eliminate concrete or asphalt paving and replace with gravel for outdoor storage of operable passenger vehicles area in an I-1, Light Industrial Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Meeting all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of revised site plan with a hard surface for the outdoor storage area for operable vehicles for Staff's review and approval.
4. Submittal of a full landscape plan including perimeter landscaping, interior landscaping, green areas, and existing landscaping with plant species and size for Staff's review and approval.

5. Submittal of a Parking Lot Permit for the 76 feet by 93 feet outdoor storage area that will be used for the operable vehicles but is not currently concrete or asphalt for Staff's review and approval.
6. Submittal of fence elevations for 6 (six) feet trex board privacy fencing.
7. Submittal of a Fence Permit with fence detail and rendering for Staff's review and approval.
8. That the property be developed as per revised site and landscaping plans.
9. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
10. Submittal of a Final Agreement for Staff's review and approval that addresses the business operation, and improvements to the site.
11. The Special Use Permit #050-19 for the outdoor storage of operable vehicles is only in effect for a period up to three (3) years or the last day of March, 2023.
12. The outside storage will be limited to thirty-five (35) operable passenger vehicles.
13. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
14. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR THE OUTDOOR STORAGE OF OPERABLE PASSENGER VEHICLES
IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT
LOCATED AT 3382 SOUTH ALPINE 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 I-1 District in which it is located.

**FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO ELIMINATE CONCRETE OR ASPHALT PAVING AND REPLACE WITH GRAVEL
FOR OUTDOOR STORAGE OF OPERABLE PASSENGER VEHICLES AREA
IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT
LOCATED AT 3382 SOUTH ALPINE 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 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 051-19

Applicant
Ward 02

406 North Gardiner Avenue

Jacob Castro

Variation to increase the maximum fence height from six (6) feet to nine (9) feet in a side yard and a **Variation** to reduce the required deck setback from six (6) feet to zero (0) feet in a side yard in an R-1, Single family Residential Zoning District

The applicant, Jacob Castro, was present. The subject property is located on the west side of North Gardiner Avenue. The subject property is surrounded by residential uses. Mr. Castro explained that he is seeking a variation to allow a nine (9) foot high fence and a deck with zero (0) foot setback. He had recently moved into the house and wanted to replace the rotten cedar deck. He sought to repair the deck to keep his son from hurting herself. He also built a higher fence to deter their dog from jumping over it and his son from falling over the fence. There is currently a deck built three (3) feet above grade. He explained that the fence is a six (6) foot high fence attached to the deck. This makes the fence nine (9) feet above grade which requires a Special Use Permit. He further explained that he has experience building decks and the main purpose for this variation to provide safety and privacy for his family.

Alicia Neubauer asked the applicant if he has consulted a design professional about constructing a guardrail instead of a fence. Mr. Castro explained that he considered consulting a design professional but

he wants a privacy fence rather than a guardrail. Ms. Neubauer asked if the fence would be structurally sound for a dog or a child. Mr. Castro stated that the fence would be structurally sound and explained that the panels would not be able to come off the structural beams.

Staff recommendation is for Denial of both Variations. Objectors and Interested parties were present.

Charles Wallace spoke against the application. Mr. Wallace stated that he lives south of the subject property. His concerns are that the fence is high and a potential hazard if a fire would start because of the grill. He feels his property would be at risk if the deck and fence would catch fire. He does not like the look of the fence and it blocks his and his wife's view out of their window. There is also an opening under the fence that allows the buildup of leaves and places for rodents to live under.

John Castro, father of the applicant, spoke in support of this application. Mr. Castro stated that the deck was already existing and the fence was constructed for their own privacy. He explained that his son decided to move to and start his family in Rockford specifically because they loved the subject property.

Vanna Wallace, wife of Charles Wallace, spoke against the application. Ms. Wallace stated the applicant moved in and immediately started constructing the deck and fence. She explained that the old deck used to be setback from the property line. When she looks out of her window, she sees a tall fence and it is taking away from the beauty of the neighborhood. The fence may also be on her property line.

Eric Holstein spoke against the application. Mr. Holstein explained that his is displeased with the fence and would like it removed.

Susan Zimmerman spoke against the application. Ms. Zimmerman stated that she lives directly across the street from the subject property. She explained that the fence and deck are too large, too close and need to come down.

Jacob Castro rebutted the objectors' comments. He stated that he did not mean to cause an uproar and did not have any malicious intent by constructing a deck and fence. He explained that the window Ms. Wallace looks out of is pointed directly at their property. He also explained that the grill is a gas grill and there would be no charcoal embers that may cause a fire. He did receive calls from neighbors but no one came to talk to him about the fence and deck.

During board discussion, Tom Fabiano stated that the neighbors should have the zoning ordinance to rely on. With the strong disapproval by neighbors, he would not be in favor of supporting this application. Kim Johnsen agreed with Mr. Fabiano. Ms. Neubauer explained that she does not believe there was malicious intent, but the setbacks are required due to the houses being close to each other and the applicant should consult a design professional to help with the fence and deck.

A **MOTION** was made by Alicia Neubauer to **DENY** the **Variation** to increase the maximum fence height from six (6) feet to nine (9) feet in a side yard and **DENY** a **Variation** to reduce the required deck setback from six (6) feet to zero (0) feet in a side yard in an R-1, Single family Residential Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**FINDINGS OF FACT FOR DENIAL OF A VARIATION TO
INCREASE THE MAXIMUM FENCE HEIGHT FROM
SIX (6) FEET TO NINE (9) FEET IN A SIDE YARD
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 406 NORTH GARDINER AVENUE**

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 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.

**FINDINGS OF FACT FOR DENIAL OF A VARIATION TO
REDUCE THE REQUIRED DECK SETBACK FROM SIX (6) FEET
TO ZERO (0) FEET IN A SIDE YARD
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 406 NORTH GARDINER AVENUE**

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 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 052-19

318 North Church Street, 319 North Court Street, 418 and 428 Park Avenue

Applicant
Ward 03

Second Congregational Church
Special Use Permit for a mural on a church in a C-4, Urban Mixed-Use Zoning District

The applicant, Reverend Rebecca White Newgren, and Steven Showers were present. The subject property is bounded by North Church Street, West Jefferson Street, North Court Street and Park Avenue. The subject property is mostly surrounded by commercial uses. Reverend White Newgren explained that she is the pastor for the Second Congregational Church. They have currently raised \$30,000 to have a mural artist come in from Milwaukee to do the mural for their church. The mural will go on panels and will be one hundred (100) feet long and twenty (20) feet wide and mounted to the side of the church. Mr. Showers presented a picture of the mural and explained the meaning of each part of the mural.

Kim Johnsen asked how long the painting of the mural would last. Mr. Showers stated that the painting time period has been extended to Tuesday, November 26, 2019.

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

A **MOTION** was made by Jennifer Smith to **APPROVE** a Special Use Permit for a mural on a church in a C-4, Urban Mixed-Use 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. A sign permit shall be required including an illustration of the proposed art work shall be submitted with the permit application.
2. The mural panels may not consist of a vinyl banner material within a frame.
3. The mural must be maintained to meet code.

**FINDINGS OF FACT FOR APPROVAL OF A
SPECIAL USE PERMIT FOR A MURAL ON A CHURCH
IN A C-4, URBAN MIXED-USE ZONING DISTRICT
LOCATED AT 318 NORTH CHURCH STREET**

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

1. The establishment, maintenance, or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-4 District in which it is located.

ZBA 053-19

Applicant
Ward 14

5502 Wansford Way

Tim Muldowney / Dyn Sterling Plaza, LLC

Special Use Permit for an indoor residential self-storage warehouse that includes accessory outdoor passenger vehicle storage area in a C-3, General Commercial Zoning District

The applicant, Attorney Tim Muldowney, was present. The subject property is located on the north side of Wansford Way approximately 171 feet west of the Wansford Way and Sandhutton Avenue intersection. The subject property is surrounded by commercial and residential uses. Attorney Muldowney explained that the subject property is currently vacant and they are planning to purchase the property. The interior of the subject property would be converted into self-storage with outdoor vehicle storage. Attorney Muldowney explained that they also own the self-storage area to the south. This would be an expansion of the one currently owned. He needs to meet the current demand of storage. He agrees to the fencing conditions. He asked for clarification of using the rear of the building for loading and unloading of storage items. Scott Capovilla explained that the rear loading dock would be used for unloading large items, while the main entrance can be used for the general storage of smaller items. Attorney Muldowney further stated he would like the outside storage area limit increased to fourteen (14) spaces for operable passenger vehicles.

Alicia Neubauer asked if there are any issues with replacing the trees and if the conditions of approval are agreed upon. Attorney Muldowney responded that he is fine with trees being replaced and agrees with the conditions of approval.

Staff recommendation is for Approval with fifteen (15) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** a Special Use Permit for an indoor residential self-storage warehouse that includes accessory outdoor passenger vehicle storage area in a C-3, General Commercial Zoning District. Amending condition eleven (11) to allow fourteen (14) operable passenger vehicles in the outdoor storage area. 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 Building Permits for Staff's review and approval.
3. Submittal of a landscape plan that includes seven (7) shade trees replacing the unhealthy trees along Wansford Way and the missing trees along the west property line with plant species and size for Staff's review and approval.
4. Submittal of fence elevations for either the six-foot black aluminum wrought iron style fence or the trex board privacy fencing.
5. Submittal of a Fence Permit with fence detail and rendering for Staff's review and approval.
6. That the property be developed as per revised site and landscaping plans.
7. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
8. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with plans approved by Staff.
9. No loading and unloading may occur in the front of the building.
10. Large items may only be loaded and unloaded in the rear of the building.
11. The outside storage area will be limited to fourteen (14) operable passenger vehicles.
12. No outdoor storage of boats, vehicles and stored items.
13. No outdoor auctions or sales may occur after customers are evicted or don't pick up items.
14. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
15. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR AN INDOOR RESIDENTIAL SELF-STORAGE WAREHOUSE THAT
INCLUDES ACCESSORY OUTDOOR PASSENGER VEHICLE STORAGE AREA
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT
LOCATED AT 5502 WANSFORD WAY**

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 054-19

Applicant
Ward 03

215 and 227 North Wyman Street, and 1XX West Jefferson Street

Sherry Harlan

Special Use Permit for a Planned Unit Development consisting of a public library that includes a public plaza area, drive-through book drop/pick up and three (3) wall signs in a C-4, Urban Mixed-Use Zoning District

The applicant, Attorney Sherry Harlan, was present. Attorney Harlan was joined with Lynn Stainbrook, Ashley Sarver, and Jennifer Spencer. The subject properties currently consist of the vacant former library site, a vacant commercial building, parking lot, and the riverfront access and path that are mostly surrounded by commercial uses and some residential uses. Attorney Harlan explained that the subject property is composed of three (3) different lots. Two (2) of the lots are owned by the library and one (1) of the lots is owned by the City of Rockford. The construction drawings are currently being worked on. She also stated that she has been working with the City of Rockford building, zoning, and legal departments. Attorney Harlan showed pictures of the proposed library and explained the drawings. She added that they would like to have three (3) wall signs for increased visibility.

Dan Roszkowski stated that there were no plans for the north side of the project and the Board would be voting on a Planned Unit Development without knowing the whole plan. Ms. Spencer stated that the north plans have not been started yet. Ms. Sarver further explained that there has been some thought and design for the north side of the plans. The next would be to have construction drawings made.

Alicia Neubauer asked for clarification on the mixed-use part of the library. Ms. Sarver explained that on the main floor, the floor to area ratio was above the ordinance. Scott Capovilla stated that the floor to area ratio was brought up and in the ordinance, the ratio is incorrect. He explained that in the near future, a Text Amendment will be made to correct the error. Mr. Capovilla further explained that everything proposed would be in compliance with the zoning ordinance.

Ms. Neubauer asked why there is a need for three (3) wall signs on the library. Attorney Harlan explained that the signs would be used to identify new development in the City of Rockford and are pleasing to see on the rear of the property overlooking the river. She also explained that she has worked with Staff on the signage.

Kim Johnsen asked for clarification of the drive-through window. Ms. Spencer explained how the drive-through window would work on the plans. Ms. Stainbrook explained that the drive-through window would allow people to drop off and check-out books and other items without going into the library.

Craig Sockwell asked if the signs would only be on the building or if there would be a landmark style sign. Ms. Spencer explained that the sign plans are being worked on. They want to make sure the signs on the building are well balanced and fit appropriately with the building.

Ms. Johnsen asked about the air rights allowing a balcony over two parcel lines. It was explained that air rights are used to have buildings connected by a walkway that goes over two parcel lines. The development would go through lots two (2) and three (3) parcel lines. Ms. Johnsen further asked if there would be any trees providing shade. It was explained that there are going to be shade trees on the terrace. There will also be planters with plants and other landscaping.

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

Alderman Chad Tuneberg spoke in support of this application. He explained that he has been kept in the loop with the development plans. They have listened to the community and been transparent with people.

During board discussion, Ms. Neubauer and Mr. Roszkowski stated that they are not okay with the three (3) building wall signs.

A **MOTION** was made by Alicia Neubauer to **APPROVE** a **Special Use Permit for a Planned Unit Development** consisting of a public library that includes a public plaza area, drive-through book drop/pick up and **DENY** three (3) wall signs in a C-4, Urban Mixed-Use Zoning District. The motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 5-0 with Jennifer Smith abstaining.

Approval is based on the following conditions:

1. Meet all applicable fire and building codes.
2. The library shall develop site in accordance with Exhibits E and F within the library properties and lease area.
3. Must develop buildings in accordance with Exhibit L with final elevations to be submitted for Staff review and approval.
4. Submittal of a landscape plan that includes plant species and size for Staff's review and approval per the Intergovernmental Agreement (IGA) between the Rockford Public Library and the City of Rockford.
5. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval for buildings on Lots 1 and 2.
6. All signage must comply with Article 51-004-B-2(a) of the Zoning Ordinance.
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. A Final Plat shall be reviewed and approved by Staff and City Council and subsequently recorded.
9. 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 PUBLIC LIBRARY
THAT INCLUDES A PUBLIC PLAZA AREA, DRIVE-THROUGH BOOK DROP/PICK UP
IN A C-4, URBAN MIXED-USE ZONING DISTRICT
LOCATED AT 215-217 WYMAN STREET**

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

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-4 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:43 PM.

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