



ZONING BOARD OF APPEALS
Tuesday, December 17, 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: Chad Baker – Assistant City Attorney
Samuel Bellone – Administrative Assistant
Scott Capovilla – Zoning and Land Use Administrator
Jeremy Carter – Traffic Engineer
Karl Franzen – Community and Economic Development Director
Nicholas Meyer – Legal Director
Kerry Partridge – City Attorney

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, December 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 at 5:35 PM. A **MOTION** was made by Kim Johnsen to **AMEND** the minutes from the November 19, 2019 meeting, correcting Ashley Sarver's name on page twelve (12). The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0 with Maurice Redd absent.

ZBA 055-19

Applicant
Ward 11

2114 Kishwaukee Street

Eli Finestone / Rockford Supportive Living Center

Modification of Special Use Permit #107-01 to allow three (3) business identification wall signs in a R-2, Two-family Residential Zoning District

The applicant, Eli Finestone was in attendance. Mr. Finestone explained that he owns and operates the supportive living facility. The subject property is located on the southeast corner of the Kishwaukee Street and 20th Avenue intersection. These parcels are surrounded by commercial, industrial and residential uses. The supportive living facility houses around one hundred (100) to one hundred and twenty (120) residents. He further explained that the facility does not provide nursing home care. He stated that the property is surrounded by large buildings that obstruct the view of the facility. This causes issues when it comes to locating the facility. He wants the facility to be visible for family members but also for the residents within the facility. Currently, the only signage would be the existing awning which he is planning on replacing. He would like to add two (2) wall signs on the north and west.

Alicia Neubauer asked if there are multiple awnings, Mr. Finestone stated that the only awning is at the entrance. There is a back door that is used as an emergency exit. Ms. Neubauer asked staff, why the awning would be viewed as a sign. Scott Capovilla explained that an awning is considered a sign if there is business identification signage on it.

Jennifer Smith asked if there are wall signs on the building. Mr. Finestone stated that the only sign is the awning on the front of the building. He wants signage that would make the property visible.

Tom Fabiano asked if a monument sign would be allowed. Mr. Finestone explained that he did not want a monument sign because cars could block the view of the sign.

Staff Recommendation is for Denial of the modification to the Special Use Permit #107-01. Objectors or Interested parties were present.

Drake Beadle spoke in support of the application. Mr. Beadle is originally from Chicago and currently resides in the facility. He explained that the staff is kind and approval of this would be appreciated by the entire facility.

During the board discussion, Craig Sockwell stated that any sign would benefit the facility and would allow people to know what is located there. Jennifer Smith stated that she does not have an issue with

the awning. Kim Johnsen and Dan Roszkowski stated that a sign above the awning would be redundant. Mr. Roszkowski stated that the board needs to be specific when approving this application. Since the board would be approving a third wall sign, it does not specify the awning as the third sign. Kerry Partridge explained that there could be a condition of approval that could be added to specify that there would be two (2) signs plus an awning. The board felt like having an awning and wall sign on the same side of the building is unnecessary.

A **MOTION** was made by Alicia Neubauer to **APPROVE** Modification of Special Use Permit #107-01 to allow three (3) business identification wall signs in a R-2, Two-family Residential Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

Approval is subject to the following condition.

1. Signage is limited to one (1) awning sign on the west, one (1) wall sign on the north and one (1) wall sign on the south.

**FINDINGS OF FACT FOR APPROVAL OF A MODIFICATION OF
SPECIAL USE PERMIT #107-01 TO ALLOW THREE (3) BUSINESS
IDENTIFICATION WALL SIGNS IN A R-2,
TWO-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 2114 KISHWAUKEE 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 I-1 District in which it is located.

ZBA 056-19

Applicant
Ward 13

416 South Main Street

Phil Valenzo / Volkan Signs & Lighting Inc.

Special Use Permit to increase an electronic display sign square footage from 36 square feet to 55.82 square feet within the free-standing monument sign, **Variation** to allow four (4) interchangeable wall mounted light pole style signs for the purpose of on-premise special event advertising and sponsor brand name recognition, **Variation** to increase the maximum number of wall signs from two (2) to three (3) for the hotel, **Variation** to increase the maximum permitted

square footage for a wall sign from 240 square feet to 289.26 square feet and in a C-4, Urban Mixed-Use Zoning District

The applicant, Phillip Valenzo and Patrick Patrello were present. Mr. Patrello stated that he is the Director of Architecture for Gorman and is representing Embassy Suites Hotel. Mr. Patrello explained that he is concerned with the amount of signage that is needed to allow the success of the downtown district hotel. He showed a board with a rendering of each sign and where it will be located on the building. He further explained that the freestanding digital sign for the conference center would allow the ability to promote what event is being held there.

Craig Sockwell asked if there would be two signs on the north side of the building. Mr. Patrello explained that there would be one sign on the north side and one sign on the south side of the building.

Dan Roszkowski asked if there would be variances for the signs on the convention center. Mr. Patrello stated the variance is only for the freestanding digital sign. The conference center is stand alone which only requires the variance for the digital sign.

Kim Johnsen asked if the light pole style banner signs are part of the variance request. Staff confirmed the light pole style banner signs are part of the variance.

Staff Recommendation is for approval of the special use permit and all three (3) variance requests with no conditions. No objectors or interested parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Special Use Permit to increase an electronic display sign square footage from 36 square feet to 55.82 square feet within the free-standing monument sign, **APPROVE** the Variation to allow four (4) interchangeable wall mounted light pole style signs for the purpose of on-premise special event advertising and sponsor brand name recognition, **APPROVE** the Variation to increase the maximum number of wall signs from two (2) to three (3) for the hotel, and **APPROVE** the Variation to increase the maximum permitted square footage for a wall sign from 240 square feet to 289.26 square feet and in a C-4, Urban Mixed-Use Zoning District The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT TO INCREASE AN ELECTRONIC DISPLAY SIGN SQUARE FOOTAGE FROM 36 SQUARE FEET TO 55.82 SQUARE FEET WITHIN THE FREE-STANDING MONUMENT SIGN IN A C-4, URBAN MIXED-USE ZONING DISTRICT LOCATED AT 416 SOUTH MAIN 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.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO ALLOW FOUR (4) INTERCHANGEABLE WALL MOUNTED LIGHT POLE STYLE SIGNS FOR
THE PURPOSE OF ON-PREMISES SPECIAL EVENT
ADVERTISING AND SPONSOR BRAND NAME RECOGNITION
IN A C-4, URBAN MIXED-USE ZONING DISTRICT
LOCATED AT 416 SOUTH MAIN STREET**

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 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 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 NUMBER OF WALL SIGNS
FROM TWO (2) TO THREE (3) FOR THE HOTEL
IN A C-4, URBAN MIXED-USE ZONING DISTRICT
LOCATED AT 416 SOUTH MAIN STREET**

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 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 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 PERMITTED SQUARE FOOTAGE FOR A WALL SIGN FROM 240
SQUARE FEET TO 289.26 SQUARE FEET
IN A C-4, URBAN MIXED-USE ZONING DISTRICT
LOCATED AT 416 SOUTH MAIN STREET**

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 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 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

OTHER BUSINESS

2020 Schedule

The 2020 Zoning Board of Appeals Schedule was presented for vote as follows:

FILING DEADLINE: (Thursday, 5:00 P.M.)	MEETING DATE: (Third Tuesday of the Month)
December 12, 2019	January 22, 2020 - Wed
January 16, 2020	February 19, 2020 - Wed
February 13, 2020	March 17, 2020
March 19, 2019	April 21, 2020
April 16, 2020	May 19, 2020
May 14, 2020	June 16, 2020
June 18, 2020	July 21, 2020
July 16, 2020	August 18, 2020
August 13, 2020	September 15, 2020
September 17, 2020	October 20, 2020
October 15, 2020	November 17, 2020
November 12, 2020	December 15, 2020
December 10, 2020	January 19, 2021

A **MOTION** was made by Jennifer Smith to **APPROVE** the 2020 Zoning Board of Appeals schedule as presented. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

With no further business to come before the Board, the meeting was adjourned at 6:13 PM.

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