



**Zoning Board of Appeals Minutes
Tuesday, July 21, 2020
5:30 P.M. – City Council Chambers, 2nd floor, City Hall
Via video conference on Cisco Webex
425 East State Street
Rockford, IL 61104
779-348-7163**

Present:

ZBA Members:

Dan Roszkowski
Craig Sockwell
Jennifer Smith
Kim Johnsen
Maurice Redd
Tom Fabiano
Jennifer Spencer

Absent:

Staff:

Lafakeria Vaughn – Assistant City Attorney
Chad Baker – Assistant City Attorney
Leisha Kury- Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Jeremy Carter – Traffic Engineer
Glenn Trommels - Information Technology Director
Mike Rotolo- Fire Prevention Coordinator

Others:

Kathy Berg- Court Stenographer
Applicants and Interested Parties

Dan Roszkowski, Chair of the ZBA, stated that this meeting was being held remotely because he found that an in-person meeting is not practical or prudent because of the disaster declared by Governor Pritzker on June 26, 2020. Since this is a public hearing with an unknown number of attendees, which could be more than 50 people, an in-person meeting at City Hall is not feasible at this time.

Lafakeria Vaughn explained the format of the virtual meeting and the rules of procedure, as follows:

Due to the COVID-19 pandemic and social distancing restrictions, this public hearing for the Zoning Board of Appeals was held by video conference, using Cisco Webex. The audio was streamed at City Hall in Council Chambers and on the City's website.

As the host, she would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they

could submit comments and questions regarding agenda items. This included: written public comments being submitted by 5:00 pm, on July 21st to Attorney Vaughn's email, or the City's payment drop box located at City Hall or coming to City Hall to listen to the meeting and present any comments in Council Chambers.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted.
- No person will be allowed to speak unless they are first recognized by the Chair.
- All votes will be by roll-call.
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to Staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Lafakeria" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.
- LTAB applicants were given the option to be put "in the lobby" on the conference. This means that they would not be able hear or see anything during the ZBA meeting.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to the Board.
- The Board will ask any questions they may have regarding this application.
- The Chair will then ask if there are any Objectors or Interested Parties comments to be read into the record or anyone at City Hall. Individuals at City Hall will be given the opportunity to speak and they will be sworn in. Then, Legal will read any written comments into the record that were received in advance.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions 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 raised.
- Interested party at City Hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The ZBA meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the ZBA meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Codes & Regulations meeting will be Monday, July 27, 2020 at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, August 3, 2020. If the item is

laid over at the ZBA meeting, the next meeting is Tuesday, August 18, 2020. If for any reason the item is laid over at the committee level or on the city council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the June 16, 2020 meeting minutes. The Motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 7-0.

ZBA 015-20

Applicant
Ward 05

1626 Clifton Avenue

Patty & Kenthen Joe

A Zoning Map Amendment from C-2, Limited Commercial Zoning District to R-1, Single family Residential Zoning District

The applicant, Patty Joe, was present. Mrs. Joe stated she is the owner of 1626 Clifton Avenue. The subject property is located on the northeast side of Island Avenue and Clifton Avenue. Mrs. Joe is seeking approval from a C-2, Limited Commercial to R-1, Single-family Residential so she may convert the former funeral home into a single-family home. She stated that her property was 72 feet by 124 feet and had a wall on the east end of the property. She stated that her property line was very close to her neighbor's house and she just found this out by speaking with the neighbor at the meeting.

Kim Johnsen asked the Applicant what attracted her to this property and made her want to change the zoning district. Ms. Johnsen also asked if she would be living at the property. Mrs. Joe responded that she obtained the property at 1624 Clifton Avenue in 2018 which she remodeled, and lives there with her mother. Mrs. Joe explained she then acquired the building next door in February of 2018. When she purchased the property, she never had any intentions to have a commercial business on the property. So by converting this into a single-family home, this would allow her to be next door to her mother who is a senior citizen.

Staff Recommendation is for Approval. Objectors or Interested parties were present. No emails were read into the record.

Ron Dunkeld, an adjacent property owner, was present. Mr. Dunkeld purchased the property to the east of 1626 Clifton in 2011. Mr. Dunkeld explained the two properties at 1624 & 1626 Clifton used to be in poor condition, but the new owner has done a good job of improving the conditions. He stated the only concern he has is her property line being extremely close to his property line. He had a survey done which showed it to be a foot and a half off the edge of the foundation and about four feet from the retaining wall. The retaining wall is in very poor condition. The retaining wall has blocks falling off and animals living in the area. He is requesting the wall to be repaired. His next concern is the drainage problem he has in his yard, which is five to six feet lower based on the retaining wall.

Mrs. Joe responded she was aware of the wall being there and since both properties were impacted, she would look into having a fence installed on both properties. She was unsure of the City's requirements on where she could place a fence. She wondered if she had to place it by the wall so it was setback five feet. She is not concerned with losing the 5 feet of property. She further explained with fencing to the wall, if the City will require her to claim the 5 feet onto his property. If so, she will claim the 5 feet and remove the wall.

Craig Sockwell asked if the property was surveyed. Mrs. Joe replied yes. Mr. Sockwell asked if according to the survey, her property was five feet away from Mr. Dunkeld's home. Mrs. Joe stated according to the survey, the 124 feet goes past the wall. She did not believe the City of Rockford would allow her to build past 5 feet.

Scott Capovilla responded that the City's ordinance allows you to place a fence on the property line. In this case, if she is willing to set it back five feet out of courtesy then she would have to maintain the five feet or make a deal with the neighbor to maintain it. However, that decision was between them.

Maurice Redd asked Mr. Capovilla if he could explain Exhibit E on the report. Mr. Capovilla responded that Exhibit E is showing the basement structure, showing how to get to the basement and where the furnace and water heater are located.

Mr. Redd asked what Mrs. Joe's plans are for the parking lot area. Mrs. Joe replied she is currently going to fence and redo the entire parking lot around Clifton and Island Ave. She is also adding a two-car garage and a pitched roof. She also shared that she has hired an architect for the remodel of the property. She further stated that she could either claim the five feet and remove the brick wall or give Ron Dunkeld the five feet and he would be responsible for the brick wall.

A **MOTION** was made by Craig Sockwell to **APPROVE** a Zoning Map Amendment from C-2, Limited Commercial Zoning District to R-1, Single family Residential Zoning District. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 7-0.

FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT
FROM C-2, LIMITED COMMERCIAL ZONING DISTRICT TO
R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 1626 CLIFTON AVENUE

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 residential district because the change of use will meet all development requirements of this site; and
 - c. The proposed map amendment would allow for a reasonable use to take place consistent with the residential zoning district.
- 2). The proposed Zoning Map Amendment is consistent with the approved general plan.

With no further business to come before the Board, the meeting was adjourned at 6:01 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Zoning Board of Appeals