



**Zoning Board of Appeals Minutes  
Tuesday, September 15, 2020  
5:30 P.M. – City Council Chambers, 2<sup>nd</sup> floor, City Hall  
Via video conference on Cisco Webex  
425 East State Street  
Rockford, IL 61104  
779-348-7163**

**Present:**

**ZBA Members:**

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

**Absent:**

Tom Fabiano

**Staff:**

Lafakeria Vaughn – Assistant City Attorney  
Leisha Kury- Administrative Assistant  
Scott Capovilla – Planning and Zoning Manager  
Mike Rotolo- Fire Prevention Coordinator  
Samantha Heim – Videographer  
Jeremy Carter - Traffic Engineer

**Others:**

Kathy Berg- Court Stenographer  
Applicants and Interested Parties

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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 August 21, 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 September 15, 2020 to Attorney Vaughn's email, or to the Permit Center

located on the first floor 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 Chairman will then ask if there are any Objectors or Interested Parties present at City Hall or any emails to be read into the record. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and state and spell their name for the record. Legal staff 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 Code & Regulation meeting will be Monday, September 28, 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, October 5, 2020. If the item is laid over at the ZBA meeting, the next meeting is Tuesday, October 20, 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 5:46 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the August 18, 2020 meeting minutes. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0 with Craig Sockwell abstaining.

**ZBA 017-20**                      **4850 North Main Street**  
Applicant                      Peter Nora / U-STOR-IT  
Ward 12                              **A Special Use Permit** for outdoor storage or U-Haul truck rentals in an I-1,  
Light Industrial Zoning District  
**Laid over from August**

Prior to the meeting, a request was received from the Applicant requesting that this item be laid over to the October 20, 2020 meeting.

A **MOTION** was made by Maurice Redd to **LAY OVER**, a Special Use Permit for outdoor storage of U-Haul truck rentals in an I-1, Light Industrial Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

**ZBA 018-20**                      **1430 Kishwaukee Street**  
Applicant                      Nicholas Clark  
Ward 11                              **A Special Use Permit** for an auto dealership in a C-2, Limited Commercial  
Zoning District

The Applicant, Nicholas Clark was present. Mr. Clark stated he would like to obtain approval for a special use permit for an auto dealership. They are under contract to purchase the property and one of the contingencies is to obtain approval for the proposed use. Mr. Clark further stated that he hired an architect to develop a site plan to show the improvements they are proposing in order to receive approval. These improvements include building and landscaping enhancements.

Dan Roszkowski asked if he agreed to the conditions. Mr. Clark stated he agreed. The subject property is located on the northeast corner of Kishwaukee Street and Broadway. Mostly commercial and residential uses surround the subject property.

Mr. Roszkowski asked Mr. Clark if he reviewed the conditions of approval and agreed to them. Mr. Clark stated that he agrees to all of the conditions.

Staff Recommendation is for Approval with thirteen (13) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Jennifer Smith to **APPROVE** a Special Use Permit for an auto dealership in a C-2, Limited Commercial Zoning District. The Motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 6-0.

Approval is based on 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 revised site plan and landscaping plan that includes curb cut removal along Broadway west of the alley with new concrete curb and grass terrace along Broadway and the

- new privacy fence of trex-board or vinyl material along the east property line for staff's review and approval.
4. The property shall be developed as per revised site and landscaping plans and that no more than twenty-three (23) vehicles shall be displayed for sale or stand outside.
  5. The hours and days of operation are 8:00 A.M. to 8:00 P.M. Monday through Saturday.
  6. Submittal of a Parking Lot Permit for site and landscaping work to be completed for Staff review and approval
  7. Submittal of a Fence Permit with fence detail and rendering for Staff review and approval.
  8. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval (if a dumpster is placed on the site).
  9. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with plans approved by staff.
  10. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
  11. Auto repair is prohibited on the site.
  12. Submittal of a Final Agreement for Staff's review and approval that addresses the business operations and improvements to the site.
  13. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT**  
**FOR AN AUTO DEALERSHIP**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 1430 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 C-2 District in which it is located.

**ZBA 019-20**

Applicant  
Ward 10

**5666 East State Street**

Attorney Sherry Harlan for OSF Healthcare

**A Zoning Map Amendment** from R-3, Multi-family Residential Zoning District to C- 2, Limited Commercial Zoning District and **a Special Use Permit** for a Planned Unit Development for a hospital campus in a C-2, Limited Commercial Zoning District

Attorney, Sherry Harlan was present, along with OSF St. Anthony CEO Paula Carynski and OSF Facilities Manager Christopher Bastier. The subject property is located 360 feet north of East State Street and east of Roxbury Road. Attorney Harlan stated she would like to bring the 63 acres of land into compliance to the zoning ordinance by obtaining a Planned Unit Development and rezoning the northern third to C-2 so it matches the zoning for the rest of the hospital campus. Attorney Harlan explained she has been trying to work with OSF and the City to bring this project into compliance for a few years now. Now that they have completed the Cancer Center, Bed tower and the new road on the north, Strathmoor Drive, is nearing completion, they now have a good blue print of their campus. The only thing not completed is the north side of development, which is tentatively platted. Those lots are currently vacant and the hospital has no immediate plans to develop but something could come along in the future. Drainage calculations will be provided on the final plat. By an agreement with several parties and a recorded covenant, there will be no connection between Regents Park Road and Parliament Court. Attorney Harlan further explained she agreed with the three (3) conditions from Staff and the only thing they need to submit is the final plat and they are working with staff to complete the plat.

Dan Roszkowski asked what the vertical dimension is on the proposed detention pond on the north. Attorney Harlan stated they currently don't have that information as this is just a tentative plat with no specific drawings. Mr. Roszkowski said based on the drawing it does look to be substantial. Mr. Roszkowski stated that it is a buffer to the housing development to the north, so a distance should be established. Mr. Roszkowski further stated that he just does not want to see that area be a 10 foot wide drainage ditch.

Staff Recommendation is for Approval with three (3) conditions. No Objectors or Interested parties were present. One email was read into the record.

Attorney Lafakeria Vaughn stated she had an objector via email. The full email will be attached to the Code and Regulation committee agenda packet. The objector, Tony Arbisi stated "Ten years ago I tried to buy all and even some of this land from OSF. They told me I could not because it was not able to be zoned because of flooding issues and frankly they didn't want to sell. I tried again five years ago to buy the acreage directly behind our homes on Inverness to the tree line before the 33 acres. Again I was told no and it still is not zoned properly."

Jennifer Smith asked where lot 5 was located on Exhibit E. Attorney Harlan described where it was on the exhibit.

Attorney Harlan responded to the objector, Mr. Arbisi's comments. Attorney Harlan stated that she is not aware of any representations made of not developing the subject property because they are developing it now. Also, in 2018 she had a conversation with Mr. Arbisi and his concerns with drainage. They had a drainage study completed and explained everything to Mr. Arbisi. Attorney Harlan further stated that the county engineer said that all of the improvements that were done in their subdivision had caused the detention and water problems. The problems were not due to the City or OSF.

Mr. Roszkowski asked if the applicant agreed to the (3) conditions. Attorney Harlan stated yes.

A **MOTION** was made by Kim Johnsen to **APPROVE** a Zoning Map Amendment from R-3, Multi-family Residential Zoning District to C-2, Limited Commercial Zoning District and to **APPROVE** a Special Use Permit for a Planned Unit Development for a hospital campus in a C-2, Limited Commercial Zoning District. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0.

Approval is based on the following conditions:

1. Must meet all building and fire codes.
2. Submittal of a Final plat for staff's review and approval to plat the main hospital campus lot and the floodplain and detention lot.
3. Completion of landscape units of the areas shown on Exhibits H and I.

**FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT  
FROM R-3, MULTI-FAMILY RESIDENTIAL ZONING DISTRICT TO  
C-2, LIMITED COMMERCIAL ZONING DISTRICT  
LOCATED AT 5666 EAST STATE STREET**

**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 area 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 zoning district.
- 2) The proposed Zoning Map Amendment is consistent with the approved general plan.

**FINDINGS OF FACT FOR APPROVAL OF  
A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT  
FOR A HOSPITAL CAMPUS  
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT  
LOCATED AT 5666 EAST STATE 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 C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.

5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the C-2 District in which it is located.

**ZBA 020-20**

Applicant  
Ward 14

**5643 East State Street**

Kamal Abedrabbo

**A Special Use Permit** for an auto dealership in a C-2, Limited Commercial Zoning District

Hanee Razick was present with his business partner and Applicant Kamal Abedrabbo. The subject property is located on the south side of East State Street. Mr. Razick spoke about their facility on South Alpine Road near Sandy Hollow Road. They have grown and expanded at that location. They want to open a second site on East State Street as they continue to grow. They will only be using the space directly in front of their building. Mr. Razick explained that they worked on a deal with Lino's for parking.

Dan Roszkowski asked if they will be using the parking lot north of the building, between the building and State Street for the used cars. Mr. Razick said yes and it would be limited.

Several Board members had questions about the site plan that was submitted and found it difficult to understand. They thought the poor site plan and lack of information made it difficult for them to approve. Craig Sockwell also expressed his concern about the Applicant having sufficient funds for any improvements that Staff may require, if the request was approved. Mr. Razick responded that they do have the funding to get everything done at the subject property.

Jennifer Smith suggested the request be laid over and the applicant work on a more detailed site plan and business plan with staff. The other board members agreed with Ms. Smith.

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

A **MOTION** was made by Kim Johnsen to **LAY OVER** a Special Use Permit for an auto dealership in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 021-20**

Applicant  
Ward 3

**1211 Lundvall Avenue**

Mark & Christina Castronovo

**Variation** to reduce the established front yard setback from 40 feet to 33 feet for a front porch addition in an R-1, Single-family Residential Zoning District

The Applicant, Christina Castronovo was present. The subject property is located on the south side of Lundvall Avenue, 190 west of the Lundvall Avenue and James Avenue intersection. The subject property is surrounded by single-family residences. Mrs. Castronovo stated she is requesting a variation to change the setback of her front yard from 40 feet to 33 feet so they can add a 6-1/2 foot by 21 foot porch to the front of her single family ranch home. Mrs. Castronovo stated they would be using high quality products, will install new siding and replace the front window.

Jennifer Spencer stated that she lives around the corner from the subject property and she is in favor of the variation request. Ms. Spencer also wanted to confirm the exact length of the encroachment. Scott Capovilla stated this is a unique situation as this block has an established setback of 40 feet which exceeds the normal front yard setback of 30 feet hence the request for the variation.

Staff Recommendation is for Approval with four (4) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Jennifer Smith to **APPROVE** a variation to reduce the established front yard setback from 40 feet to 33 feet for a front porch addition in an R-1, Single-family Residential Zoning District. The Motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 6-0.

Approval is based on the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. Submittal of Building Permit for Staff review and approval prior to construction.
3. Must develop the site and porch addition in accordance with Exhibit D approved by Staff.
4. Submittal of an elevation of the porch addition for Staff review and approval.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION  
TO REDUCE THE ESTABLISHED FRONT YARD SEBACK FROM  
40 FEET TO 33 FEET FOR A FRONT PORCH ADDITION  
IN A R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT  
LOCATED AT 1211 LUNDVALL AVENUE**

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 6:37 PM.

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