



**Zoning Board of Appeals Minutes  
Tuesday, October 20, 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  
Tom Fabiano

**Absent:**

**Staff:**

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

**Others:**

Alderman Tuffy Quinonez  
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 October 16, 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 October 20, 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, October 26, 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, November 2, 2020. If the item is laid over at the ZBA meeting, the next meeting is Tuesday, November 17, 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 5:37 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the September 15, 2020 meeting minutes. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0 with Tom Fabiano abstaining.

**ZBA 017-20**

Applicant  
Ward 12

**4850 North Main Street**

Peter Nora / U-STOR-IT

**A Special Use Permit** for outdoor storage of U-Haul truck rentals in an I-1, Light Industrial Zoning District  
**Laid over from August & September**

Steve Beers, the owner of U-STOR-IT, was present, along with the applicant and manager, Peter Nora. The subject property is located approximately 100 feet southwest of North Main Street and Elmwood Road. Mr. Beers stated he purchased the property about a year ago and he wasn't fully aware of what was prohibited or not. He wanted to continue the prior operations at the site. It was brought to his attention that he needed a special use permit for the storage of vehicles and U-Haul trucks. Mr. Beers stated he would like approval for the outdoor storage and U-Haul rentals. The outside storage is about fourteen (14) spaces located on the southern edge of the property, screened by the evergreens, which you will not be able to see from the road. Mr. Beers stated as far as the U-Haul rentals he would like to have three (3) or four (4) trucks parked in front of his office. He is fully staffed seven (7) days a week. Several improvements have been made to the property including painting, lighting and remodeling the office area.

Craig Sockwell asked when he took ownership of the business. Mr. Beers stated about a year ago at the end of October of 2019. Mr. Sockwell asked Mr. Beers when he was told outside storage was not allowed. Mr. Beers stated around August of 2020. Mr. Sockwell also inquired where the four (4) advertising signs for the U-Haul business are located. Mr. Beers stated there are no signs advertising the U-Hauls, they only have business signs. The signs have "U-STOR-IT Rockford."

Mr. Sockwell inquired where those signs are located. Mr. Beers stated on the access road south of the site. Mr. Beers stated it is a property that he does not own, but is owned by the previous owner of the business. The previous owner gave him written authorization allowing Mr. Beers to put a sign at that location and maintain it. Mr. Beers believes that specific sign has been there since 2005.

Scott Capovilla stated the signs that are located on both the south and north entrances as well as another two that are on the property between the frontage road and Main Street are all advertising the storage facility business. These signs are considered offsite business identification signs and are not permitted by the ordinance. The signs would have to be brought into compliance and placed on the site. There are locations adjacent to the access road that lead up to the site where a business identification sign could be located.

Jennifer Smith inquired why this request was laid over. Ms. Smith asked if any changes were made or progress made since the layover. Mr. Capovilla stated the applicant requested the layover and he did not receive an updated business plan or site plan. Mr. Capovilla stated there was a request to have outdoor storage at this location by the previous owner back in 2008 but it was withdrawn. Mr. Capovilla further stated he does not know why it was withdrawn, but reiterated that outdoor storage has always been prohibited in the I-1 zoning district.

Mr. Beers asked if he would have to apply for a special use permit for the outdoor storage. Mr. Capovilla stated he could apply for a modification of a special use permit if one is granted at tonight's meeting. However, it may require more because it is a prohibited use. Mr. Beers would like approval for the three

(3) to five (5) U-Haul vehicles displayed in the front, which would be 800-900 feet from North Main Street.

Dan Roszkowski inquired why they are allowed to apply for U-Haul trucks but not outdoor storage of other vehicles. Mr. Roszkowski also asked how the applicant can obtain approval for outdoor storage of vehicles. Mr. Capovilla stated truck rental is listed as a special use in the ordinance and outside storage is prohibited in an I-1 zoning district. I-2 zoning would not be allowed because that is a very intense zoning district. However, the applicant can apply for a modification to the special use permit to include outside storage, if this request is approved tonight.

Kim Johnsen asked why staff recommended denial if U-Haul truck rentals is a permitted use. Mr. Capovilla stated staff did not have much of a plan to review. Thus, staff wasn't aware of how many trucks were going to be parked on the site and what kind of vehicles would be displayed. Mr. Capovilla further stated tonight's meeting is the first time he is hearing they are willing to display only up to five (5) U-Haul trucks. Ms. Johnsen stated she is willing to approve with up to five (5) U-Haul trucks with staff conditions.

Mr. Sockwell asked where they will park the five (5) U-Haul trucks. Ms. Johnsen stated on the east side of the building. Ms. Smith stated if you look at the light gray highlighted area on Exhibit D that is where they will be parked. Mr. Sockwell asked if that space would work for the fire trucks. Mr. Capovilla stated after talking to the fire department it would work for the standard U-Haul trucks, unless there was a large semi-truck parked there. Mike Rotolo stated if that road stays accessible then it would be no problem. Mr. Rotolo suggested designating those spaces just for the U-Haul trucks.

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 **APPROVE** a Special Use Permit for outdoor storage of up to five (5) U-Haul truck rentals in an I-1, Light Industrial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. The truck rental display area is limited to five (5) truck rentals.
3. All outside storage is prohibited per the zoning ordinance other than the trucks available for rental.
4. Removal of all illegal off-site signs advertising the business.
5. No parking of rental vehicles along the access drive from the frontage road to the site.
6. Designate the truck rental display area spaces with signage.
7. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT  
FOR OUTDOOR STORAGE OF UP TO FIVE (5) U-HAUL TRUCK RENTALS  
IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT  
LOCATED AT 4850 NORTH 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 I-1 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  
**Laid over from September**

Hanee Razick was present along with his business partner and applicant Kamal Abedrabbo. The subject property is located on the south side of East State Street. Mr. Razick stated at last month's meeting, the board and staff had some concerns about the amount of cars, the walkways and how they would be able to park the cars and access them. Mr. Razick stated they took a whole row off, and reduced the number of vehicles as well. They would have 25 to 28 vehicles on the lot. There are also three (3) spots on the side for employee parking which will only be utilized during normal business hours 10 A.M. to 7 P.M. There will be customer parking along the front with two handicap spots.

Kim Johnsen wanted some clarity that they will be parking these cars on the north side of the building in between the building and State Street area. Mr. Razick stated that was correct and they have an agreement with their landlord and the dealership next door for the proposed plan.

Jennifer Spencer asked how they could get so many rows of cars that equals 180 feet. Mr. Razick stated they did the calculations and its 16 feet by 18 feet on each row. He stated before they redid the parking lot, there was forty (40) parking stalls. Mr. Razick stated it used be an Enterprise Rental business and has been an open parking lot. Mr. Razick further stated there will be four (4) rows and each row will have seven (7) cars. Ms. Spencer stated she cannot visualize how the applicant can get so many cars to fit on the site with the 180 feet provided. Mr. Razick responded there will be cars parked in different angles, and the layout might not look the same but the goal is to have 28 vehicles. Mr. Razick stated the lot has more than enough space to be utilized to have that amount of cars. They will make any adjustments, if requested.

Jennifer Smith asked staff if they are required to have landscaping and green space. Scott Capovilla stated staff would have to discuss the plan further with the applicant, including landscaping. Mr. Capovilla stated staff's biggest concern is the customer parking lot on the north side of the building, which would need to be adjusted. Also, it may be tough keeping the current required parking spaces, once landscaping is added. Staff would need a revised plan and will need to work with the applicant.

Staff Recommendation is for Denial. 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 Kim Johnsen and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. Provide a revised site and landscaping plan to scale indicating the location of the auto sales display area, total building size and the number of parking spaces for customers and tenant spaces.
3. The number of vehicles displayed for sale shall be limited to the number allowed per the revised site plan.
4. Provide a list of the size of tenant spaces and current use of those tenant spaces for Staff evaluation on required number of parking spaces.
5. The indoor car showroom is limited to the 2,940 square foot tenant space shown on the plan.
6. Bring the shopping center freestanding sign into compliance with the current ordinance by reducing the height and size and provide a brick or stone base as required by ordinance.
7. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
8. Auto repair is prohibited on the site.
9. 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 5643 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 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 022-20**  
Applicant  
Ward 7

**2112 North Central Avenue**  
Luis Pena

**A Special Use Permit** for vehicle sales and a motor vehicle repair shop to include body work, painting and commercial vehicle repairs in a C-3, General Commercial Zoning District

Prior to the meeting, a request was received from the Applicant requesting that this item be laid over to the November 17, 2020 meeting.

A **MOTION** was made by Kimberly Johnsen to **LAYOVER** a Special Use Permit for vehicle sales and a motor vehicle repair shop to include body work, painting and commercial vehicle repairs in a C-3, General Commercial Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

**ZBA 023-20**  
Applicant  
Ward 7

**2707 Auburn Street**  
John Powell

**A Modification of an existing Special Use Permit** to increase the number of passenger vehicles for sale from the maximum allowed eight (8) to sixteen (16) in a C-3, General Commercial Zoning District

The Applicant, John Powell was present. The subject property is located on the northwest corner of Auburn Street and Evergreen Street intersection. The neighborhood is a mixture of commercial and residential uses. There are similar and complimentary automotive uses in the area. Mr. Powell stated that he started his car lot business in 1989. He owned a hair salon and tanning salon at this building as well, but it was not paying enough money so he decided to start the car lot business as a co-tenant. Mr. Powell stated when he originally applied for the special use permit he did not realize the eight (8) vehicles would be the limit on the amount of vehicles he could have at the car lot. The hair salon and tanning salon are no longer there and now it is just a car lot. Mr. Powell would like to increase the eight (8) vehicles to sixteen (16) vehicles. If approved, he would like to re-stripe the lot for sixteen (16) vehicles.

Staff Recommendation is for Approval with twelve (12) 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 Modification of an existing Special Use Permit to increase the number of passenger vehicles for sale from the maximum allowed eight (8) to sixteen (16) in a C-3, General Commercial Zoning District The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of a revised site plan that includes a parking lot setback of eight (8) feet from the property line along Auburn Street and Evergreen Street and curb cut removal along Auburn Street west of Evergreen Street with new concrete curb and grass terrace along Auburn Street for Staff's review and approval.
3. Submittal of a revised landscaping plan that includes perimeter landscaping eight (8) feet in width along Auburn Street and Evergreen Street and new plantings consisting of deciduous and evergreen shrubs, ornamental grasses, and an ornamental tree along Auburn Street with species and size or Staff's review and approval.
4. That the property be developed as per revised site and landscaping plans and that no more than sixteen (16) vehicles shall be displayed for sale and three (3) cars that have been repossessed.

5. Submittal of a Parking Lot Permit for site and landscaping work to be completed to Staff for review and approval
6. The light pole structure with an attached sign and foundation in the southeast corner of the property will need to be removed.
7. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
8. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
9. There shall be no auto repair allowed.
10. There shall be no vehicle storage and towing allowed.
11. Submittal of a Final Agreement for Staff's review and approval that addresses the business operations and improvements to the site.
12. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A MODIFICATION OF SPECIAL USE PERMIT 029-90  
TO INCREASE THE NUMBER OF PASSENGER VEHICLES FOR SALE FROM THE MAXIMUM  
ALLOWED EIGHT (8) TO SIXTEEN (16)  
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 2707 AUBURN 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-3 District in which it is located.

**ZBA 024-20**

Applicant  
Ward 12

**3402 North Main Street**

Steven Kolber for Patvak Investment WC

**A Special Use Permit** for a drive-thru in conjunction with a restaurant in a C-2. Limited Commercial Zoning District

The applicant and Rockford Dunkin' Donuts franchise, Vijay Patel was present. Mr. Patel stated he recently purchased the building located at 3402 North Main Street and he is requesting to open up a drive-thru Dunkin' Donuts at this location. The subject properties are located on the west side of North Main Street and north of Halsted Road. The subject properties are surrounded by commercial and residential uses. Mr. Patel stated they will be remodeling the inside, outside and reconfiguring the parking lot.



Kim Johnsen asked if they are renovating the existing building and not constructing a new building. Mr. Patel stated that was correct.

Jennifer Smith stated the staff recommendation stated bike parking was not provided. Mr. Patel stated they will provide bike parking as required. Ms. Smith also inquired if there are any underground tanks buried at this site. Scott Capovilla stated he is assuming there are none since Associated Bank occupied that lot for over 30 years. Mr. Capovilla further stated that if tanks are found, the EPA will handle this issue.

Staff Recommendation is for Approval with eleven (11) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Craig Sockwell to **APPROVE** a Special Use Permit for a drive-thru in conjunction with a restaurant in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 7-0.

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 landscaping plan that includes ornamental grasses substituted for the twenty-four (24) deciduous shrubs shown as perimeter landscaping along North Main Street (east property line) for staff's review and approval.
4. That the property be developed as per site and revised landscaping plans.
5. All Public Work's issues including those related to the water main location are required to be reviewed and approved by the City Engineer and Water Superintendent.
6. Submittal of a Parking Lot Permit for site and landscaping work to be completed to Staff for review and approval
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 signs must be constructed to match building design and in accordance with plans approved by staff.
9. Submittal of a photometric plan with fixture details and fixture specifications for staff's review and approval.
10. Must develop building in accordance with elevations approved by staff.
11. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT  
FOR A DRIVE-THRU  
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT  
LOCATED AT 3402 NORTH 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-2 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 6:41 PM.

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