



**Zoning Board of Appeals Minutes
Tuesday, December 15, 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
Jennifer Smith
Kim Johnsen
Maurice Redd
Jennifer Spencer
Craig Sockwell
Tom Fabiano

Absent:

Staff: Lafakeria Vaughn – Assistant City Attorney
Brooke Benoit- Assistant City Attorney
Leisha Kury- Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Ebron Tyson – Videographer
Jeremy Carter - Traffic Engineer

Others: Kylie Bunke- 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 December 11, 2020. Since this is a public hearing with an unknown number of attendees, which would be more than 10 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 December 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. However, as of Friday, November 20, 2020, City Hall was closed to the public so all comments had to be submitted in writing.

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, January 4, 2021 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, January 4, 2021. If the item is laid over at the ZBA meeting, the next meeting is Wednesday, January 20, 2021. 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 November 17, 2020 meeting minutes. The motion was **CARRIED** by a vote of 7-0.

ZBA 025-20

Applicant
Ward 4

6727 East Riverside Boulevard

Springfield Sign for DJ Properties, LLC

Variation to increase the number of permitted business identification wall signs from two (2) signs to three (3) signs and a **Variation** to increase the height of the menu board from six (6) feet to six (6) feet three (3) inches in height and a **Variation** to increase the permitted square footage of the menu board from 36 square feet to 38.40 square feet in a C-3, General Commercial Zoning District

Laid over from November

The applicant, Trey Watts of Springfield Sign, was present. Mr. Watts is requesting three (3) sign variations for the Culvers located at 6727 E. Riverside Blvd. The subject property is located on the southwest corner of East Riverside Boulevard, Auto Park Drive and Weaver Road. The neighborhood is a mixture of commercial uses. Culvers currently has two (2) wall signs and they are looking to add a third wall sign. The other two requests are in regards to the drive-thru menu board. Mr. Watts stated they are wanting a height adjustment from the allowable 6 feet in overall height to 6 feet and 3 inches. Mr. Watts stated they are also requesting an increase in the allowable square footage of the menu board from 36 square feet to 38.40 square feet. Mr. Watts stated this is the standard exterior menu board for Culvers all over the United States and they want to maintain a brand standard product. Culvers will be able to advertise the products and educate guests about the food items being sold. Mr. Watts stated that when they remodeled the Culvers on Phelps Ave back in 2017, a similar request to upgrade the standard menu board was approved at that time by the Board. They are requesting a third wall sign because they want to be able to identify the three main elevations of the building. The front of the building currently has a sign, and they would like to put one over the main entrance and at the drive-thru elevation.

Kim Johnsen asked the applicant what this store has been doing with the current sign they have now. Mr. Watts responded that the current menu board may have been at this location for more than 15 years, it is outdated and they are being phased out. They have to rebrand their menu starting in January. The new menu board has LED lights. They are trying improve the menu board to look as if it is a new restaurant.

Tom Fabiano asked the applicant if the 3 inch increase of the sign is for aesthetic proposes or are there any other issues involve. Mr. Fabiano also asked if trying to amend the menu will be a difficult process. Mr. Watts responded the standard height is 6 foot 3 inches but he could adjust that height and make it 6 feet if required. The more complicated change is the square foot allowance for the menu board. Most of the time the menu board will be installed at 6 feet overall height not 6 foot 3 inches. Also, not enough pictures and graphics can fit within 36 square feet and then this menu board would be a "one-off."

Craig Sockwell asked Scott Capovilla what they had proposed for the East State location. Mr. Capovilla responded that he believes the Board denied the walls signs but they were reversed at City Council. Mr. Capovilla stated the height was not an issue for the menu board at that location but the square footage variance was granted by the ZBA at the time. Dan Roszkowski stated he would be surprised if they allowed the additional wall sign, since they have not for other locations. Mr. Roszkowski stated that Mr. Capovilla is correct, that the Board did recommend denial for the wall signs previously.

Staff Recommendation is for Denial of all three (3) variations. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Jennifer Smith to **DENY** a variation to increase the number of permitted business identification wall signs from two (2) signs to three (3) signs, **APPROVE** a variation to increase the height of the menu board from six (6) feet to six (6) feet three (3) inches in height and **APPROVE** a variation to increase the permitted square footage of the menu board from 36 square feet to 38.40 square feet in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

**FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE MAXIMUM PERMITTED NUMBER OF
BUSINESS IDENTIFICATION WALL SIGNS FROM TWO (2) TO THREE (3)
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT
LOCATED AT 6727 EAST RIVERSIDE BOULEVARD**

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 APPROVAL OF A VARIATION
TO INCREASE THE HEIGHT OF THE MENU BOARD FROM
SIX (6) FEET TO SIX (6) FEET THREE (3) INCHES IN HEIGHT
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT
LOCATED AT 6727 EAST RIVERSIDE BOULEVARD**

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 is 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.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO INCREASE THE PERMITTED SQUARE FOOTAGE OF THE
MENU BOARD FROM 36 SQUARE FEET TO 38.40 SQUARE FEET
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT
LOCATED AT 6727 EAST RIVERSIDE BOULEVARD**

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 is 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.

ZBA 026-20
Applicant
Ward 11

1115 Charles Street
Justin Rednour
A Special Use Permit for body art services and a barbershop service in
a C-4, Urban Mixed-Use Zoning District

The Applicant, Justin Rednour, was present. Mr. Rednour is requesting a special use permit for a tattoo parlor in a C-4 zoning district. The subject property is located on the southwest corner of Charles Street and 1st Avenue. The subject property is surrounded by commercial uses and some residential uses. Mr. Rednour is the owner of Ambitious Ink tattoo studio located in Roscoe. Mr. Rednour stated that they recently won best tattoo parlor in the Rockford area. Mr. Rednour stated he would like to bring his business to Rockford which will be located in downtown, off Charles Street and 1st Avenue. Mr. Rednour stated he is trying to separate himself from the rest of the tattoo parlors around the Rockford area, by being cleaner and professional. This new location will bring in a more office feel. He will also open a barbershop in the space next to the tattoo shop.

Craig Sockwell asked how long the building has been vacant. Mr. Rednour responded it has not been vacant hardly at all. It used to be a laundromat, named G T Laundry. Once the owners closed and sold all their equipment, they got the keys the next day. Mr. Rednour stated they took over the building two weeks ago.

Staff Recommendation is for Approval with eight (8) conditions. 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 body art services and a barbershop service in a C-4, Urban Mixed-Use 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 Building Permits for Staff's review and approval.
3. Submittal of a revised site plan that shows two (2) parking spaces, two (2) bicycle spaces, and removal of the concrete surface with a landscaping plan replacing the existing concrete along 1st Avenue and Charles Street with plant species and size for staff's review and approval.
4. The property be developed as per revised site and landscaping plans.
5. Submittal of a Final Agreement for Staff's review and approval that addresses the business operations and improvements to the site
6. If a dumpster is to be placed on the property, a Dumpster Enclosure Permit with a dumpster detail and rendering must be submitted for Staff's review and approval.
7. Must obtain separate permits for signage and signs must be constructed to match building design and in accordance with plans approved by staff.
8. All conditions must be met prior to establishment of use

FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR BODY ART SERVICES AND A BARBERSHOP SERVICE
IN A C-4, URBAN MIXED-USE ZONING DISTRICT
LOCATED AT 1115 CHARLES 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 027-20

Applicant
Ward 1

6776 East State Street

Core Ventures, LLC

A Special Use Permit for a quick lube automotive oil change facility in a C-2, Limited Commercial Zoning District

Adam Firsel, the manager for Core Ventures was present, along with his partner Brad Joseph. The subject property is located on the northeast corner of the Mill Road and East State Street intersection. The subject property is surrounded by commercial uses. Mr. Firsel has been working with the Rockford Area Association of Realtors to acquire this parcel. Mr. Firsel stated they are trying to locate within the community and redevelop the property into a more prominent retail oriented use. Mr. Firsel stated they would subdivide the property into two parcels. On one of the parcels they would like to subdivide to in order to house a new national branded instant oil change. The other pad will be a restaurant and retail uses. Since they were not able to find enough retail to take up the entire property, Mr. Firsel stated they decided to split the property into two lots with one being for retail/restaurant use and the other one being a quick lube and oil.

Dan Roszkowski asked the applicant how they are going to subdivide the building and if they will be tearing down the existing building. Mr. Firsel responded they will demolish the existing building and start from scratch. Mr. Roszkowski asked if they will subdivide it north to south or east to west. Mr. Firsel responded from east to west to have that East State Street visibility. Mr. Roszkowski also asked if the new property line would run north to south, down the middle. Mr. Firsel responded that Mr. Roszkowski was correct.

Kim Johnsen asked the applicant if the Realtors Association is still in the building. Mr. Firsel responded they are still occupying the building but they have another building under contract that they will move into. Ms. Johnsen asked what the timeline was for them to develop this project. Mr. Firsel stated they still have some engineering and other items to complete but will start construction around April or May and be open around late summer of 2021.

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 a quick lube automotive oil change facility in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Jennifer Spencer 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 full landscape plan that includes Shade Trees, Perimeter Landscaping, and Interior Landscaping with plant species and size for staff's review and approval.
4. Submittal of a revised civil plan that conforms to the approved landscaping plan.
5. Submittal of a Dumpster Enclosure Permit, dumpster detail and rendering for staff's review and approval.
6. Submittal of a photometric plan with fixture details and fixture specifications for staff's review and approval.
7. Submittal of building elevations for staff review and approval.
8. Must develop buildings in accordance with building elevations approved by Staff.
9. All signage must comply with the Sign Regulations.
10. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with plans approved by staff.
11. Must develop site in accordance with revised civil and landscaping plans approved by Staff.
12. A Final Plat (re-plat) creating two lots shall be reviewed and approved by Staff and City Council and subsequently recorded.
13. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT FOR A
QUICK LUBE AUTOMOTIVE OIL CHANGE FACILITY
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 6776 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.

With no further business to come before the Board, the meeting was adjourned at 6:30 PM.

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