



**Zoning Board of Appeals Minutes
Wednesday, January 20, 2021
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
Samantha Heim – Videographer
Jeremy Carter - Traffic Engineer

Others:

Alderman Frank Beach
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 January 8, 2021. 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 January 20, 2021 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. 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 25, 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, February 1, 2021. If the item is laid over at the ZBA meeting, the next meeting is Wednesday, February 17, 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 5:44 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the December 15, 2020 meeting minutes. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

ZBA 028-20

Applicant
Ward 7

3425 Blackstone Avenue

Carla Pickett El

Variation to allow a driveway within the front yard in an R-1, Single Family Residential Zoning District

The Applicant, Carla Pickett El, was present, along with her husband Timothy Pickett El. The subject property is located on the north side of Blackstone Avenue. Mrs. Pickett El stated she is requesting a variance for her driveway within the front yard. Mrs. Pickett El stated she hired Roger's Concrete based on recommendations from Home Advisory to work on her driveway. She asked Roger's if they needed to obtain a permit and Roger Concrete stated they did not and they hired him to complete the job. They also have the support of Alderman Ann Thompson-Kelly for this request.

Dan Roszkowski asked the applicant why she is requesting a variance. Timothy Pickett El responded they hired Roger Concrete to complete the job for the driveway which Roger's stated they did not need a permit. Mr. Pickett El stated the City cited them for not having a driveway permit. The issue is they cannot afford to have their concrete cut or revised in such a way because they spent a lot of money to have the driveway completed. Mr. Pickett El stated he does not understand why they have to be responsible for the work a contractor did. Mr. Pickett El further explained they are first time home-buyers and they are just trying to make sure they are protecting their property. He had two vehicles get hit along with his neighbor's vehicle on the same street.

Mr. Roszkowski asked Mr. Pickett El if he expanded his driveway towards the property line on the east. Mr. Pickett El responded he did have his driveway expanded. Mr. Roszkowski stated the zoning ordinance says your driveway needs to line up to your garage door. Furthermore, these extensions to the side are no longer permitted because people were putting them right in front of their front door. Mr. Pickett El stated the extension is still lined up to the garage but does not go in front of the house. The driveway does not extend all the way to the garage door, but it is still attached.

Mr. Pickett El stated Alderman Thompson-Kelly is in full support of the expansion of the driveway. Scott Capovilla stated he spoke with Alderman Thompson-Kelly in the afternoon and she apologized for not being able to attend the meeting, but wanted to express her support. Alderman Thompson-Kelly is in support of this application because unfortunately the homeowner put all their faith and money in the contractor to obtain all required permits and to complete everything correctly. Alderman Thompson-Kelly felt the contractor took advantage of these customers and it is only fair for them to keep the expansion of the driveway.

Kim Johnsen stated she is in full support of this request because it is a hardship on the homeowners. Craig Sockwell stated he is in full support as well.

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 Variation to allow a driveway within the front yard in an R-1, Single Family Residential Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-2 with Jennifer Smith and Dan Roszkowski voting Nay.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO
ALLOW A DRIVEWAY WITHIN THE FRONT YARD
IN AN R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 3425 BLACKSTONE 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.

ZBA 030-20

Applicant
Ward 10

4604 East State Street

Robert Schaal

Special Use Permit for body art services in a C-3, General Commercial Zoning District

The Applicant, Robert Schaal, was present along with his Attorney Andrew Wilt. The subject property is located on the north side of East State Street 80 feet west of the Alder Avenue and East State Street intersection. The subject property is surrounded by commercial uses and some residential uses. Attorney Wilt stated his client is requesting a special use permit for a tattoo parlor and he referenced exhibit F of the recommendation. Attorney Wilt stated he would like to highlight Mr. Schaal's extensive experience in this area as well as the use and location of his proposed property at 4604 East State Street. Attorney Wilt stated it was a vacant building which Mr. Schaal recently purchased and he is looking to combine some of his other businesses into this one building.

Craig Sockwell asked the applicant if he plans to combine two tattoo parlors. Mr. Schaal responded he has several tattoo studios including the property previously named European Body Jewels on Harrison Avenue. It was opened in 1996 but Mr. Schaal feels it is not a good location. However, he still owns the building but he wants to close it down along with Rock City Tattoo because it is an old building. He would like to bring those shops to this new location at 4604 East State Street. Additionally, he owns Euro Tattoo next to Valli Produce for about 15 years, along with the ones in DeKalb and Pecatonica. Eventually, he would like to merge all the tattoo parlors to that building except for the ones out of the city.

Kim Johnsen asked the applicant whether he reviewed the staff recommendation and agreed with the conditions. Mr. Schaal responded he did and agrees. Jennifer Smith stated that she likes the applicant's proposal and she thinks the location is a good fit, especially for parking.

Staff Recommendation is for Approval with nine (9) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Jennifer Smith to **APPROVE** Special Use Permit for body art services in a C-3, General 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 site plan that shows one (1) bicycle space and removal of the existing gravel to be paved or replaced by top soil and grass seed.
4. The property be developed as per revised site plan.
5. Rock City Tattoo shall cease operations at the current location and all signage for Rock City Tattoo shall be removed.
6. Submittal of a Final Agreement for Staff's review and approval that addresses the business operations and improvements to the site.
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. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR BODY ART SERVICES
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT
LOCATED AT 4604 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-3 District in which it is located.

ZBA 031-20

Applicant
Ward 2

1700 North Alpine Road

Corpro Signs for Randy Bridgeland

Variation to increase the maximum number of allowed business identification walls signs above the ground floor of the structure from two (2) to three (3) in a C-2, Limited Commercial Zoning District and an R-4, Multi-family Residential Zoning District

The Applicant, Glenn Avery of Corpro Signs, was present. The subject property is located on the west side of North Alpine Road 530 feet north of the North Alpine Road and Highcrest Road intersection. The neighborhood is a mixture of commercial and residential uses. Mr. Avery stated their customer is Premier Accounting. Premier Accounting is moving into the top floor of the building of what used to be Alpine Bank but is now Midland States Bank. Premier Accounting wants to add their name to the building and hire Corpro to do the job. Mr. Avery stated there is no room on the free monument sign because Midland States Bank occupies that entire space and the sign is already maxed out with the height and square footage. Mr. Avery stated when he applied for the permit, it was brought to his attention by Darius Morrow in the Zoning department that a third wall sign above the first floor would not be permitted. Mr. Avery stated he was confused because he did not know where the third sign was located. Mr. Morrow told Mr. Avery that Midland States Bank already has two signs. Midland States Bank has a sign in the back of the building facing a neighborhood. Mr. Avery stated they approached Midland to request they remove the sign on the back of the building but they were opposed to removing that sign. Mr. Avery stated Premier Accounting moved their full operation to Rockford and now they do not have any place to put their sign. They would like to add a sign that is visible to Alpine Road. The sign would also be on a set timer because they would like to be good neighbors.

Tom Fabiano asked the applicant if Midland States Bank owns the building. Mr. Avery responded Randy Bridgeland is listed as the owner and Mr. Bridgeland is in favor of this proposal if the Board is.

Kim Johnsen asked Mr. Avery what kind of conversations Premier had with Midland States Bank about signage. Mr. Avery responded that no conversations had taken place before Corpro was involved because nobody knew about the second Midland sign. Ms. Johnsen asked how long has Premier been in the building. Mr. Avery responded they are officially moving in this Friday.

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

Attorney Vaughn stated she had an objector via email. The full email will be attached to the Code and Regulation committee agenda packet. The objector Ken Warren stated the following: "I am the resident living in property next to the bank on Pinecrest. My address is 4221 Pinecrest Rd and we strongly vote NO to the Multi-family Residential building. We have lived here for the last 14 years and it has been a quiet area and we would really like to keep it that way".

Ms. Johnsen asked Attorney Vaughn about the objector's email and whether the objector was confused about the applicant's request. Based on the email, the objector was objecting to a multi-family residential building and not the signage. Attorney Vaughn confirmed that Ms. Johnsen was correct.

Ms. Johnsen stated that she was concerned for Premier because she wants them to have a sign. She would be in favor of approving the variation because Premier needs a sign and she wonders if there is anything they can do to have Midland States Bank remove one of their signs.

Dan Roszkowski stated he is pretty sure they have some type of agreement with the building owner. Craig Sockwell stated that all the Board can do is approve or deny the request. Mr. Sockwell is unsure

why Midland won't remove one of their signs. Jennifer Spencer asked Scott Capovilla whether there can be a compromise with the existing square footage. Mr. Capovilla responded that the square footage is not an issue here, it is only the number of signs.

Mr. Roszkowski further stated similar sign requests have come before the Board and they were denied. The landlord should know what he can offer his tenants. Jennifer Smith agreed with Mr. Roszkowski and also expressed that entities or individuals moving in a place should understand all the perimeters.

A **MOTION** was made by Jennifer Smith to **DENY** a Variation to increase the maximum number of allowed business identification walls signs above the ground floor of the structure from two (2) to three (3) in a C-2, Limited Commercial Zoning District and an R-4, Multi-family Residential Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 6-1 with Craig Sockwell voting Nay.

**FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE MAXIMUM NUMBER OF ALLOWED BUSINESS
IDENTIFICATION WALLS SIGNS ABOVE THE GROUND FLOOR
OF THE STRUCTURE FROM TWO (2) TO THREE (3)
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT AND
AN R-4, MULTI-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 1700 NORTH ALPINE ROAD**

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.

ZBA 032-20
Applicant
Ward 12

5430 North Main Street
AES DE DevCo NC, LLC
Renewal of a Special Use Permit to allow a solar energy generating facility in an I-1, Light Industrial Zoning District

The Applicant, Joshua Mayer of AES corporation, was present. The subject property is approximately 930 feet north of Elmwood, west of the intersection of North Main Street and Bauer Parkway. Mr. Mayer stated he is requesting a renewal for a special use permit that was already granted on November 7, 2018. Mr. Mayer stated the AES Company is a fortune 500 global power company in IL. The company developed over a dozen community solar projects. Mr. Mayer stated they are hopeful the new legislation for solar being promoted by Governor Pritzker will pass in Illinois. This site was not awarded funding in 2019 so they would like to renew in the hopes they are successful this time. Currently, all the solar projects are on hold until more of the funding is granted.

Staff Recommendation is for Approval with five (5) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Kim Johnsen to **APPROVE** Renewal of a Special Use Permit to allow a solar energy generating facility 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 Building and Fire Codes.
2. Submittal of Building Permits for staff's review and approval.
3. Submittal of a detailed site plan for staff's review and approval.
4. Gravel is prohibited on the site.
5. Submittal of a Decommissioning Agreement as indicated in Exhibit H for staff's review and approval

FINDINGS OF FACT FOR APPROVAL OF THE RENEWAL OF THE SPECIAL USE PERMIT #038-18 FOR A FREE-STANDING SOLAR ENERGY GENERATING FACILITY IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT LOCATED AT 5430 NORTH MAIN STREET

Approval of this Renewal of the Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the renewal 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 renewal of 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 and renewal 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 renewal of the special use shall conform to the applicable regulations of the I-1 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 6:43 PM.

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