



**Zoning Board of Appeals Minutes
Tuesday, March 16, 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:

Jennifer Smith
Kim Johnsen
Jennifer Spencer
Craig Sockwell
Tom Fabiano

Absent:

Dan Roszkowski
Maurice Redd

Staff:

Angela Hammer- City Attorney
Brooke Benoit- Assistant City Attorney
Megan McNeill- 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

In the absence of Dan Roszkowski, Kim Johnsen filled in as the Chair of the ZBA. Ms. Johnsen stated that this meeting was being held remotely as the Mayor has determined that an in-person meeting is not practical or prudent because of the COVID-19 pandemic.

Scott Capovilla 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, he 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 March 16, 2021, to Board Secretary Leisha Kury's email, or the City's 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 "Scott" 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, March 22, 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, April 5, 2021. If the item is laid over at the ZBA meeting, the next meeting is Tuesday, April 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 5:44 PM. A **MOTION** was made by Jennifer Smith to **APPROVE** the February 17, 2021 meeting minutes. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

ZBA 001-21
Applicant
Ward 11

1312 7th Street
Safa Quraishi
Special Use Permit for a U-Haul renting service in a C-2, Limited Commercial Zoning District

Mustafa Abdall, spoke on behalf of Safa Quraishi. Mr. Abdall is requesting a layover due not having the requirements needed.

A **MOTION** was made by Craig Sockwell to **LAYOVER** Special Use Permit for a U-Haul renting service in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0 via roll call vote.

ZBA 003-21
Applicant
Ward 1

111 South Perryville Road
Lamar Advertising
Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-2, Limited Commercial Zoning District

Attorney Kraig Byron, spoke on behalf of Lamar Advertising. The subject property is located on the southwest corner of East State Street and South Perryville Road. Commercial uses surround the subject property. Mr. Byron stated this application came to the board back in 2008. Lamar Advertising filed an application during that time to convert a number of billboard signs to electronic display boards. Lamar Advertising and the City came to an agreement that Lamar would remove 29 billboard faces in the city in exchange for the ability to convert 6 billboard signs to digital faces. Mr. Byron stated Lamar did convert a couple of billboards right away and they removed all 29 billboards they were required to remove under the agreement. Lamar is now present once again and asking for one of the billboards that was approved for conversion into digital back in 2008 be converted to digital. Mr. Byron stated looking at page 4 on the staff report, it shows Lamar has met all the Findings of Fact requirements. The staff recommendation is for approval. However, Lamar is asking for a condition to be removed which requires two more billboard faces be removed. Lamar advertising believes they should not be required to do so, since they have an agreement with the City. Lamar owns the ground on which this sign is placed and does not pay rent. Lamar advertising understands the City has an interest in having signs be removed in a historic district, and is willing to talk to the City regarding that, but believe they should receive some value in exchange. Lamar is willing to discuss with the City regarding this particular sign but it should not be made a condition for this application. Lamar Advertising is seeking board approval of this application but remove condition seven (7).

Tom Fabiano asked the applicant what was the original agreement in terms of how many signs were to be taken down. Mr. Byron responded the original agreement was to have 29 billboard faces removed. Exhibit G shows all the signs that were required to be removed. Mr. Fabiano asked if the original agreement was to have 29 signs removed and if Lamar Advertising complied with this agreement. Mr. Byron responded yes.

Tom Fabiano asked Scott Capovilla if the City disputed the original agreement. Mr. Capovilla responded they were not able to find the original agreement document. They were able to find a draft document attached to one of the old ordinances from the 2008 case. Mr. Capovilla stated the purpose was to remove a lot of the non-conforming billboard signs that were in the downtown area and in historic

districts along with other billboards that were blocking other business signs. Mr. Capovilla stated per the old agreement Lamar Advertising did comply.

Craig Sockwell asked if the old agreement was satisfied then it should not have anything to do with this application, so if the City is requesting to have two more signs removed, then it's a different conversation Lamar and the City should be having. Angela Hammer stated they were not able to find the executed agreement, only the Memorandum at Exhibit G.

Jennifer Spencer asked Scott Capovilla if they have a limit on the brightness on these electronic boards. Mr. Capovilla responded they do have a limit on brightness.

Board members discussed approving this application and eliminating condition seven (7).

Staff Recommendation is for Approval with seven (7) conditions. No Objectors or Interested parties were present. No Emails were read on file.

A **MOTION** was made by Jennifer Smith to **APPROVE** Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-2, Limited Commercial Zoning District but eliminate condition seven (7). The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 5-0 via roll call vote.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes
2. The electronic graphic display board shall be for the Northern facing board.
3. Submittal of Building Permit for Staff review and approval.
4. The billboard shall remain a non-conforming billboard.
5. The billboard shall operate in conformance with the sign regulations for electronic graphic display signs.
6. Submittal of a detailed landscape plan to include the type of species to be planted in accordance with the required landscaping for a free-standing sign for Staff's review and approval.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR THE MODIFICATION OF AN EXISTING LEGALLY NONCONFORMING BILLBOARD TO AN
ELECTRONIC GRAPHIC DISPLAY BILLBOARD
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 111 SOUTH PERRYVILLE ROAD**

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 004-21

Applicant
Ward 2

1404 East State Street, 1416 East State Street, 119 Summit Street

Louis Bageanis

Special Use Permit for a Planned Unit Development for a shared parking lot for a multi-family complex and a single family residence in an R-1, Single family Residential and R-4, Multi-family Zoning District

Brian Bracken, spoke on behalf of Louis Bageanis. The subject property is located on the northeast corner of East State Street and Summit Street. Mr. Bracken stated he is requesting a Planned Unit Development (PUD) for a parking lot. Mr. Bracken stated they are remodeling a 24 unit building that was purchased by Louis Bageanis in 2014. Since then, he has had quite a few problems with getting people out of the property. In 2015, Mr. Bageanis started the renovations on these units. In 2017, they completely gutted the building and are now trying to put the finishing touches on these renovations. Mr. Bageanis is working with Architect Joe Anderson for the building behind 1404 East State Street which is currently a 15 unit building located at 1416 East State Street. The 15 unit building will be downsized to a 12 unit, 2 bedroom and master bath suites. The parking area originally had garages and were demolished under permits. They are trying to make room for more parking since they will have 36 units in all. They currently have ten (10) parking spots. Mr. Bageanis currently owns a house located at 119 Summit Street and the rear of this property will be converted into a parking lot.

Jennifer Smith asked if there are any people living at these properties. Mr. Bracken responded that 119 Summit Street is a single-family house and does have a tenant. The property at 1416 East State Street does not have anybody living there and at 1404 East State Street they are in the finishing stages of the remodel so at the moment there is no one residing there.

Kim Johnsen asked what the rent range for these apartments will be. Mr. Bracken responded the 24 unit building will be around the \$800 to \$1,000 range per month. The units will have granite countertops, new windows, stainless appliances & washer/dryer in the unit. The 12 unit building with 2 bedrooms will range from \$1,500 to \$1,800 per month. Ms. Johnsen asked if they will be appealing to the medical staff at the hospital. Mr. Bracken responded they have been in communication with Swedish American Hospital.

Jennifer Smith asked if they have had any communication with the owner at the gas station across Summit Street. Mr. Bracken responded the gas station has been very problematic in the past but they have not had any direct communication with the owner.

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

A **MOTION** was made by Tom Fabiano to **APPROVE** Special Use Permit for a Planned Unit Development for a shared parking lot for a multi-family complex and a single family residence in an R-1, Single family Residential and R-4, Multi-family Zoning District The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 via roll call vote.

Approval is based on the following conditions:

1. Submittal of a parking lot permit including an illumination plan for staff's review and approval.
2. Installation of landscaping units as shown on Exhibit D to be completed by June 1, 2021.
3. Submittal of fence permit and dumpster enclosure for staff's review and approval.

FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT FOR A SHARED PARKING LOT FOR A MULTI-FAMILY COMPLEX AND A SINGLE FAMILY RESIDENCE IN AN R-1, SINGLE FAMILY RESIDENTIAL AND R-4, MULTI-FAMILY ZONING DISTRICT LOCATED AT 1404, 1416 EAST STATE STREET, 119 SUMMIT STREET

Approval of this Special Use Permit for a PUD is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit for a PUD will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit for a PUD 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 for a PUD will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the R-1 and R-4 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use for a PUD shall conform to the applicable regulations of the R-1 and R-4 District in which it is located.

ZBA 006-21

Applicant
Ward 14

2208 and 2214 South Alpine Road

Miguel A. Urena

Special Use Permit for a Planned Unit Development consisting of two (2)-five family residences in a C-1, Limited Office Zoning District

The applicant did not attend the meeting via video conference on Cisco Webex.

A **MOTION** was made by Jennifer Spencer to **LAYOVER** Special Use Permit for a Planned Unit Development consisting of two (2)-five family residences in a C-1, Limited Office Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0 via roll call vote.

ZBA 007-21

Applicant
Ward 1

1825 North Perryville Road

First Midwest Group for 2018DT Rote, LLC

Special Use Permit for a drive-thru in conjunction with a bank in a C-1, Limited Office Zoning District

Attorney Marvin Keys, spoke on behalf of 2018DT Rote, LLC. The subject property is located on the southeast corner of North Perryville Road and Rote Road. The subject property is surrounded by commercial and residential uses. Mr. Keys stated he is here to represent the applicant at 1825 N. Perryville Road that is located on the South East corner of Rote and Perryville. They are requesting a drive-thru in conjunction with a bank. The bank is about a 5,500 square feet with a couple drive-thru lanes along with an ATM. Mr. Keys stated they have provided staff with a site plan along with a landscaping plan and they will be providing the necessary buffer along the south Mr. Keys stated he is aware that staff made a note about bicycle spaces. Mr. Keys stated they will be updating the site plan to provide the necessary bicycle parking spaces.

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

A **MOTION** was made by Craig Sockwell to **APPROVE** Special Use Permit for a drive-thru in conjunction with a bank in a C-1, Limited Office Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0 via roll call vote.

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 includes a bike rack or bike spaces for three (3) bike spaces for staff's review and approval.
4. The property shall be developed as per revised site plan and Exhibit E, the landscaping plan.
5. Submittal of a Parking Lot Permit for site and landscaping work to be completed to Staff for review and approval
6. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
7. Submittal of building elevations for Staff review and approval.
8. Must develop building in accordance with elevations approved by Staff.
9. Submittal of a photometric plan with fixture details and fixture specifications for staff's review and approval.
10. Must obtain separate permits for signage and signs must be constructed to match building design and in accordance with plans 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 CONJUNCTION WITH A BANK
IN A C-1, LIMITED OFFICE ZONING DISTRICT
LOCATED AT 1825 NORTH PERRYVILLE ROAD**

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-1 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 6:28 PM.

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