



**ZONING BOARD OF APPEALS**  
**Tuesday, April 16, 2013**  
**6:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:** Aaron Magdziarz  
Dennis Olson  
Dan Roszkowski  
Scott Sanders  
Craig Sockwell

**Absent:** Alicia Neubauer

**Staff:** Jennifer Cacciapaglia – City Attorney  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Marcy Leach – Public Works  
Sandra Hawthorne - Administrative Assistant

**Others:** Kathy Berg, Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before 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. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant 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 of the Objector or Interested Party

- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, April 29, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 7:50 PM. A **MOTION** was made by Craig Sockwell to **APPROVE** the minutes of the March meeting as submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-0 with Alicia Neubauer absent and Dennis Olson abstaining.

**ZBA 010-13**

Applicant  
Ward 02

**1801 Charles Street**

Rev. Greg Wadleigh

**Special Use Permit** to allow residential on the ground floor

**Variation** to allow existing parking and landscaping to remain "as is" in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of Charles Street and 14<sup>th</sup> Street and is the former Lundgren's photo shop. The Applicant was not present. Eric Dulian, representing the Applicant, reviewed the requests for Special Use Permit and Variation. He stated this is a relatively small church. The residential request is because the Reverend prefers to be available to his congregation and live on the premises.

Mr. Sanders asked to what degree is the parking for residential separate from the parking lot of the church. Staff replied they felt there would be sufficient parking on site. The predominant concern is the area by the alley that is not adequate. Mr. Sanders explained that although understanding that the pavement was there prior to the Applicant purchasing the property, the Board would like to see some landscaping involved. Trash cans or a dumpster in the alley area as shown on the submitted site plan may not be feasible for the area because of the tightness of the alley access. He requested that the revised landscaping plan address the parking area. Mark Marinaro, Fire Department, had concerns with the basement bedroom as there was only one exit. He stated they need to provide two ways out.

Staff Recommendation is for Approval of the Special Use Permit with (4) conditions, and Denial of the Variation. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit to allow residential on the ground floor and to **DENY** the Variation to allow existing parking and landscaping to remain "as is" in a C-2, Limited Commercial Zoning District for 1801 Charles Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Residential is limited to one dwelling unit and one family as defined in the Zoning Ordinance.
3. No outside storage of boats including recreational vehicles and inoperable vehicles is prohibited.
4. A revised landscape plan including revisions to the indicated parking area on the south side of the property shall be submitted for Staff's review and approval.

**ZBA 010-13**  
**Findings of Fact for a Special Use Permit**  
**To Allow Residential on the Ground Floor**  
**In a C-2, Limited Commercial Zoning District at**  
**1801 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, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been 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, in all other respects, conform to the applicable regulations of the C-2 Zoning District in which it is located.

**ZBA 010-13**  
**Findings of Fact for a Variation**  
**To allow Landscaping to Remain "As Is"**  
**In a C-2, Limited Commercial Zoning District**  
**1801 Charles Street**

**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, no 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 not 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 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 011-13**

Applicant  
Ward 12

**3444 North Main Street**

Raj Patel

**Special Use Permit** for operation of an animal clinic in a C-1, Limited Office Zoning District

The subject property is located on the southwest corner of Belmont and North Main Streets and is currently a vacant building, formerly used as an office. Raj Patel, Applicant, reviewed his request for Special Use Permit. He stated he has been a licensed veterinarian for over 20 years. He is asking to open a veterinary clinic at this location. Mr. Patel explained here had been a veterinary clinic near this area on North Main. However, the building was sold for another use prior to his having an opportunity to purchase it. He stated there are 10 parking spaces, as well as street parking on Belmont Street. He will not have any outside kennels.

Staff Recommendation is for Approval subject to (4) conditions. No Objectors or Interested Parties were present. Staff stated that there are some existing trees and landscaping but will do a site visit to verify that if the Board wishes to add a condition that a landscaping plan be submitted.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for operation of an animal clinic in a C-1, Limited Office Zoning District at 3444 North Main Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Must obtain a change of use permit and evaluation by a design professional.
3. Stripe all parking spaces and reconfigure the layout so that it does not back out onto the alley.
4. That there shall be no outside kennel services.
5. A landscaping plan shall be submitted for Staff review and approval.

**ZBA 011-13**  
**Findings of Fact for a Special Use Permit**  
**For Operation of an Animal Clinic**  
**In a C-1, Limited Office Zoning District at**  
**3444 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, nor substantially diminish and 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 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, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**Other Business**

Mr. Cagnoni explained there are 15 LTAB applications along with this meeting's Laid Over items on the May agenda and asked for suggestions on changing times of the meetings to avoid having Applicants for Zoning Board items wait long periods of time before the Zoning Board meets upon completion of the LTAB. The suggestion was to move the ZBA meeting to 5:30 and to maintain the 6:00 LAB meeting time for the month of May.

With no further business before the Board, the meeting was adjourned at 8:15 PM

Respectfully submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals