



ZONING BOARD OF APPEALS
Tuesday, July 21, 2015
5:30 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: Alicia DiBenedetto-Neubauer
Melissa Luciani-Beckford
Dan Roszkowski
Scott Sanders
Craig Sockwell
Kimberly Wheeler-Johnsen

Absent: Tom Fabiano

Staff: Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Marcy Leach – Public Works
Tim Morris – Fire Department
Officer Nolan Walker – Police Department

Others: Alderman Frank Beach
Alderman Thomas McNamara
Alderman Teena Newburg
Kathy Berg - Court 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 will 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, July 27, 2015, at 5:30 PM in City Council Chambers 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 5:30 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the June 16th meeting as written. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 6-0, with Tom Fabiano absent.

ZBA 034-14

Applicant
Ward 10

5410 and 5456 East State Street

Dale Nelson / Drinc, Inc.

Special Use Permit for a restaurant, bar and grill and nightclub in a C-3,
General Commercial Zoning District

Laid Over from August 2014 – June 2015

This item was **WITHDRAWN** by the Applicant prior to the meeting. No further action will be taken on this item.

ZBA 010-15

Applicant
Ward 12

3231 North Main Street

Bill Keedi

(A) Variation to allow a reduction in landscape frontage from 10' in width to 4' 10 1/2" in width.

(B) Variation to reduce the sign setback from five (5) feet to zero (0) feet for a free-standing landmark-style sign

(C) Variation to reduce the required four (4) shade trees to two (2) shade trees in a C-2, Limited Commercial Zoning District.

Laid Over from May & June 2015

Prior to the meeting, a written request was received from the applicant's attorney stating the Applicant was out of the country and requesting an additional Lay Over.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Variation to allow a reduction in landscape frontage from 10' in width to 4' 10 1/2" in width.; the Variation to reduce the sign setback from five (5) feet to zero (0) feet for a free-standing landmark-style sign and the Variation to reduce the required four (4) shade trees to two (2) shade trees in a C-2, Limited Commercial Zoning District at 3231 North Man Street. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 6-0.

ZBA 017-05
Applicant
Ward 13

809, 810, 814, 8XX Chestnut Street

Barnes International / Mike Maust

Variation for side yard setback from 10' to 0' for a building addition in an I-1, Light Industrial Zoning District and C-4, Urban Mixed-Use Zoning District

The subject property is located on the south side of Elm Street, west of Short Horsman and is currently a manufacturing facility. Mike Maust, Applicant, reviewed his request for Variation. Barnes International wishes to add a cold storage facility to the existing building within the existing parking lot against the retention area. They will be moving the curb cut a little farther north along Chestnut Street and the curb cut on the south side of the property will remain as is.

Marcy Leach, Public Works, wished to clarify that the Board does not have authority to approve the driveway entrance. A full plan for review has not been submitted at this time. The full review will be completed during the subdivision process and curb cuts and ingress/egress issues will be addressed at that time.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation for side yard setback from ten feet (10') to Zero feet (0') for a building addition in an I-1, Light Industrial Zoning District and C-4 Urban Mixed Use Zoning District at 809, 810, 814, 8XX Chestnut Street. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Final submittal of building elevation for Staff's review and approval.

ZBA 017-15
Findings of Fact for Approval of a Variation
For Side Yard Setback
From Ten Feet to Zero Feet for a Building Addition
In An I-1, Light Industrial Zoning District and
C-4, Urban Mixed-Use Zoning District at
810 Chestnut Street

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 018-15

Applicant
Ward 02

2118 Oaklawn Avenue

Ian and Amy Linnabary

Variation to reduce the side yard setback for a deck from 6' to 18" on the west property line in an R-1, Single-family Residential Zoning District

The subject property is located on the north side of Oaklawn Avenue and on the east side of Paris Avenue and is a single-family residence. Mr. Ian Linnabary was present and reviewed his request for side yard setback reduction. Currently, there is an existing deck on the southwest side of the property. The Applicant wishes to remove this deck and construct a larger new deck. Because this is a narrow lot, the house was built very close to the adjacent property line. Mr. Linnabary explained that there is a 7 foot elevation change from front to rear of the deck. Currently there is a fence providing privacy between the Applicants and the adjacent property owner to the west and neither home owner can see into the other's yard.

Staff Recommendation is for Approval with (1) condition. No Objectors or Interested Parties were present. The adjacent neighbors, Martin and Stacey Lewis, submitted a letter of support stating the believed the Applicant's" proposed project will enhance the value of their property and surrounding properties, including ours".

A **MOTION** was made by Scott Sanders to **APPROVE** the Variation to reduce the side yard setback for a deck from 6' (six feet) to 18" (eighteen inches) on the west property line in an R-1, Single-family Residential Zoning District at 2118 Oaklawn Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following condition:

1. Deck must be constructed in accordance to Exhibit D.

ZBA 018-15
Findings of Fact for Approval of a Variation
To reduce Side Yard Setback for a Deck
From Six Feet to Eighteen Inches on the West Property Line
In an R-1, Single-Family Residential Zoning District at
2118 Oaklawn 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 019-15

Applicant
Ward 03

14XX Myott Avenue and 1401 North Main Street

James Hankins for Alpine Bank

- (A) **Special Use Permit** for a drive-through facility in conjunction with a neighborhood bank
- (B) **Variation** to reduce the required 15 feet front yard setback to 3 feet along Toner Avenue
- (C) **Variation** to reduce the required 20 feet front yard setback for a parking lot to 15 feet along North Main Street
- (D) **Variation** to reduce the required 20 feet wide frontage landscaping to 15 feet wide along North Main Street
- (E) **Variation** to reduce the required 20 feet front yard setback for a parking lot to 9 feet wide along Myott Avenue
- (F) **Variation** to the required 20 feet wide frontage landscaping to 9 feet wide along Myott Avenue
- (G) **Variation** to reduce the required 20 feet front yard setback for a parking lot to 1 foot wide along Toner Avenue
- (H) **Variation** to the required 20 feet wide frontage landscaping to 1 foot wide along Toner Avenue in a C-2, Limited Commercial Zoning District

The subject property is located on the east side of North Main Street, north of Myott Avenue and west of Toner Avenue and currently is vacant land and municipal parking. Jim Hankins, representing Alpine Bank, reviewed the request for Special Use Permit and Variations. He stated Alpine Bank has been looking to locate in this area for quite some time. The Special Use Permit is for a drive through. They have looked at various combinations of areas for the drive through and felt the plan submitted was the best option.

The submitted site plan shows 12 parking spaces; parking has been reduced to 11 to allow for more landscaping. Nine parking spaces are required to meet code. Mr. Hankins reviewed each Variation as shown on the site plan.

Mr. Sanders had concerns with the setback along Toner and asked if vehicles parking in this area would overlap. Mr. Hankins stated the plan allows for significant space to avoid this. The pavers along the east

side of the property will be removed, and the entire 4 foot area in this location will be landscaped. Mr. Hankins further explained that one of the options they considered was moving the building further to the south; however, that would not provide the amount of stacking required for the drive thru.

Staff Recommendation was for Approval of all (8) Variations with (9) conditions. No Objectors were present. One Supporter and One Interested Party were present.

Alderman Tom McNamara spoke in support of this project. He stated the neighbors were surveyed previously on what they felt would be good for the neighborhood and their interests were to have a grocery store, a coffee shop, and a banking facility. Alderman McNamara felt Alpine Bank will not only be good for the neighborhood and existing businesses, but will also encourage new businesses to come into the area.

Dan Johnson, DDS, has a dental office at 519 Toner and had questions of the Applicant. He was concerned whether the bank was intending to take more of the existing street parking on Toner Avenue. He questioned if they were going to extend out beyond the existing curb on the East side.. Mr. Hankins clarified on the site plan what areas would be affected. Dr. Johnson has a major concern that Toner not be closed down because this will have a large affect on his business. He also has concerns with preserving the width of the street and preserving the green space. Mr. Hankins stated there is 24 feet of pavement from curb to curb on Toner and Myott will not be disturbed at all. He further stated when some of the buildings were removed during the roundabout development, it created a much larger parking area as well. Dr. Johnson stated he felt his questions had been answered.

Regarding condition (4) requiring submittal of a dumpster detail for Staff's review and approval, Mr. Hankins stated the bank would not have need for a dumpster because all of their documents are shredded due to the nature of their business. Mr. Capovilla stated if they are not going to have a dumpster on the site, condition (4) could be removed.

A **MOTION** was made by Kim Johnsen to **APPROVE** the:

- (A) Special Use Permit for a drive-through facility in conjunction with a neighborhood bank
- (B) Variation to reduce the required 15 feet front yard setback to 3 feet along Toner Avenue
- (C) Variation to reduce the required 20 feet front yard setback for a parking lot to 15 feet along North Main Street
- (D) Variation to reduce the required 20 feet wide frontage landscaping to 15 feet wide along North Main Street
- (E) Variation to reduce the required 20 feet front yard setback for a parking lot to 9 feet wide along Myott Avenue
- (F) Variation to the required 20 feet wide frontage landscaping to 9 feet wide along Myott Avenue
- (G) Variation to reduce the required 20 feet front yard setback for a parking lot to 1 foot wide along Toner Avenue
- (H) Variation to the required 20 feet wide frontage landscaping to 1 foot wide along Toner Avenue in a C-2, Limited Commercial Zoning District

with the removal of Condition (4). The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to 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 landscape plan that includes the existing landscaping to be preserved along with plant species and size for Staff's review and approval.
4. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
5. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with plans approved by Staff.

6. Must develop site in accordance with site and landscaping plans approved by Staff.
7. Must develop building in accordance with elevations approved by Staff.
8. All conditions must be met prior to establishment of use.

ZBA 019-15
Findings of Fact for Approval of a Special Use Permit
For a Drive-Through Facility in Conjunction
With a Neighborhood Bank
In a C-2, Limited Commercial Zoning District at
14XX Myott Avenue and 1401 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 C-2 Zoning District in which it is located.

ZBA 019-15
Findings of Fact for Approval of a Variation
To reduce the Required 15 Feet Front Yard Setback
To Three Feet Along Toner Avenue
In a C-2, Limited Commercial Zoning District at
14XX Myott Avenue and 1401 North Main Street

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 019-15
Findings of Fact for Approval of a Variation
To reduce the Required 20 Feet Front Yard Setback For a Parking Lot
To 15 Feet Along North Main Street
In a C-2, Limited Commercial Zoning District at
14XX Myott Avenue and 1401 North Main Street

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 019-15
Findings of Fact for Approval of a Variation
To reduce the Required 20 Feet Wide Frontage Landscaping
To 15 Feet Wide Along North Main Street
In a C-2, Limited Commercial Zoning District at
14XX Myott Avenue and 1401 North Main Street

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 019-15
Findings of Fact for Approval of a Variation
To Reduce the Required 20 Feet Front Yard Setback For a Parking Lot
To 9 Feet Wide Along Myott Avenue
In a C-2, Limited Commercial Zoning District at
14XX Myott Avenue and 1401 North Main Street

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 019-15
Findings of Fact for Approval of a Variation
To the Required 20 Feet Wide Frontage Landscaping
To 9 Feet Wide Along Myott Avenue
In a C-2, Limited Commercial Zoning District at
14XX Myott Avenue and 1401 North Main Street

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 019-15
Findings of Fact for Approval of a Variation
To Reduce the Required 20 Feet Front Yard Setback for a Parking Lot
To 1 Foot Wide Along Toner Avenue
In a C-2, Limited Commercial Zoning District at
14XX Myott Avenue and 1401 North Main Street

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 019-15
Findings of Fact for Approval of a Variation
To reduce the Required 20 Feet Frontage Landscaping
To One Foot Wide Along Toner Avenue
In a C-2, Limited Commercial Zoning District at
14XX Myott Avenue and 1401 North Main Street

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 020-15

Applicant
Ward 01

7401 Argus Drive

Shannon Asta

Variation to increase fence height from 6' to 9' for an outdoor seating area on the north side of building in a C-3, General Commercial Zoning District

A request was received prior to the meeting to Lay Over this item to the August 18th meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Variation to increase fence height from 6' to 9' for an outdoor seating area on the north side of building in a C-32, General Commercial Zoning District at 7401 Argus Drive. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 6-0.

ZBA 021-15

Applicant
Ward 03

3442 Hickory Lane

David Hagney

Variation to reduce the front yard setback from 30' to 13' for a house addition along Westminster Drive in an R-1, Single Family Residential Zoning District

The subject property is located on the north side of Hickory Lane and is a single family residence. David Hagney, Architect representing the Applicant, Jacob and Alison Chance, reviewed the request for Variation. The residence has frontage on both Westminster and Hickory Lane and as such is considered to have two front yards. The proposed addition will be on the northwest side of the existing residence and will be including the addition of a driveway along the west property line for the new single car garage directly off of Westminster Drive. The height of the entire addition will be less than the height of the existing structure.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to reduce the front yard setback from 30' to 13' for a house addition along Westminster Drive in an R-1, Single Family Residential Zoning District at 3442 Hickory Lane. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Construction of proposed addition must be consistent to Exhibit E.
2. Submittal of an elevation plan for proposed addition consistent with Exhibit F at time of issuance of building permit.

ZBA 021-15
Findings of Fact for Approval of a Variation
To Reduce the Front Yard Setback from Thirty Feet to Thirteen Feet
In an R-1, Single Family Residential Zoning District at
3442 Hickory Lane.

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 022-16

Applicant
Ward 01

66XX, 6655, 6651-6669 and 6681 East State Street

Cor Pro Screentech

Special Use Permit to increase the maximum allowable square footage for an electronic message display sign from 36 square feet to 147.7 square feet in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of Mid America Drive and East State Street. There is an existing free-standing sign that is non-conforming with respects to height, square footage and off-premise advertising. The sign currently advertises the former American TV, Monkey Joe's, Tuesday Morning, and Longhorn Steakhouse. Glenn Avery, from Cor Pro Screentech reviewed the request for Special Use Permit. The electronic message display sign is to installed at the top of the structure, replacing the American TV sign. Gustafson will be spending a large sum of money to open this store and would like to be certain his business is recognized.

Gustafson also has a digital sign at the North Town mall which is a 5' x 15' one-sided size. This size fit into the existing cabinet at that location. Mr. Avery explained the present Application request is as large as they can go and still fit within the boundaries of the cabinet and be readable from East State Street.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

During discussion, Mr. Sanders stated the proposed sign is approaching billboard size. Mr. Avery stated Mr. Gustafson is wishing to protect his investment and feels a sign this size is required to do so. Kim Johnsen stated she would be in support at this location. Mr. Sanders stated the existing sign is already "huge". He feels he would be in favor of replacing the existing sized sign with the same size electronic sign. However, the existing American TV sign is already non-conforming and larger than what the ordinance allows. Mr. Capovilla said the North Town sign is 70 square feet. One of the conditions at that location was that 1/3 of the signage be removed in order to allow that 70 square foot sign. This was done.

A **MOTION** was made by Scott Sanders to **DENY** the Special Use Permit to increase the maximum allowable square footage for an electronic message display sign from 36 square feet to 147.7 square feet in a C-2, Limited Commercial Zoning District at 66XX, 6655, 6651-6669 and 6681 East State Street. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 6-0.

A **SECOND MOTION** was made by Scott Sanders to **APPROVE** an increase from 36 square feet to a square footage equivalent to the existing Monkey Joes and Tuesday Morning signs below the proposed sign and that the new sign must maintain equal spacing between the existing signs. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-1 with Dan Roszkowski voting Nay.

ZBA 022-15
Findings of Fact for Denial of a Special Use Permit
To Increase the Maximum Allowable Square Footage
For an Electronic Message Display Sign
From 36 Square Feet to 147.7 Square Feet
In a C-2, Limited Commercial Zoning District at
6655 and 6651-6669 East State Street

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

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to and endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will 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 not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-2 Zoning District in which it is located.

ZBA 022-15
Findings of Fact for Approval of a Special Use Permit
To Increase the Maximum Allowable Square Footage
For an Electronic Message Display Sign
To a Square Footage Equivalent to the Existing Monkey Joes and Tuesday Morning Signs
And to Maintain Equal Spacing Between the Existing Signs
In a C-2, Limited Commercial Zoning District at
6655 and 6651-6669 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 and 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 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 not been provided.
5. Adequate measures have been 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 Zoning District in which it is located.

ZBA 023-16

Applicant
Ward 03

825 North Main Street

Keith Country Day School

Special Use Permit for faculty and student housing (Group Living not otherwise classified)

Variation to allow existing parking and landscaping per the site plan in a C-1, Limited Office Zoning District

The subject property is located on the east side of North Main Street, 225' south of Whitman Street and is a vacant residence. Ronald Lee, Administrator of Keith Country Day School, reviewed the request for a Special Use Permit. They intend to provide housing for 3 faculty members coming from out of town, and one student. They do not currently have a housing situation similar to this. This would be a short term use, perhaps for this year and next. At this point, Tim Bragg representing the Rockford Park District, further clarified that the Park District acquired this property in December of 2013. The house has not been vacant until Spring of this year.

Staff Recommendation is for Approval with (2) conditions. Objectors or Interested Parties were present.

Lyle Syverson, 837 North Main, Apartment 314 was present and had questions of the Applicant. He asked about parking – Mr. Lee stated they anticipate only two vehicles, but should there be the occasional extra vehicle they would have adequate parking within the garage and driveway.

Attorney Ann Dempsey, representing John Frana at 819 North Main Street was present. She expressed concern from her client regarding who would be at the facility to supervise the child. Mr. Frana is

concerned with what responsibility he may have for an unsupervised minor child should there be parties, at the home. Attorney Dempsey stated there was no information provided regarding the safety and supervision for the child. Another concern expressed by Attorney Dempsey was that this property is tax exempt and felt since this building was off the tax rolls it could diminished the tax value of the property and surrounding properties. She expressed concern with a concentration of social services in this area and that a SUP that would allow a group living facility at this location in the future. She did not feel the requested SUP conforms to regulations in a C-1 District. Attorney Dempsey felt the Staff Report did not address the specifics of the Variation and that the Findings of Fact for Variation were not met. She stated her client wanted to see a lease for the facility in place limiting its use, and also wanted the property to be taxed.

Alderman Thomas McNamara stated Keith School has made tremendous efforts in the community and thanked them for those efforts. He wished to request this item be Laid over in order to allow time for the Applicant to provide further detailed information.

In response, Mr. Lee stated in no way whatsoever would there be an unsupervised minor living in this house. The exchange student would have to go through a full background standards that are required of all of their students living with families. Mr. Bragg stated the idea of commercial use has never been off the table. Should a proposal for commercial come forward some time in the future it would be considered. He explained the Variation for parking and landscaping to remain as is was requested because the property currently has adequate amount of screening and because there would be a limited number of vehicles on the property. In response to Scott Sanders' inquiry regarding the background of the property, Mr. Bragg stated to his knowledge the property has always been used as a residence and never had a commercial use.

Mr. Sanders asked if the host parent of the student must live at the residence as he assumes the host parent would act as guardian of the child. Alicia Neubauer felt if this is going to be a group home, it should meet the requirements of other group homes and buffers need to be considered.

The Board felt a Lay Over would allow the Applicant time to provide more information in response to some of the questions raised.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Special Use Permit for faculty and student housing (Group Living not otherwise classified) and to **LAYOVER** the Variation to allow existing parking and landscaping per the site plan in a C-1, Limited Office Zoning District at 825 North Main Street. The Motion was **SECONDED** by Craig Sanders and **CARRIED** by a vote of 5-1 with Alicia Neubauer voting Nay.

ZBA 024-15
Applicant
Ward 03

1XX and 102 West Jefferson Street
City of Rockford
Special Use Permit for murals on a bridge in a C-4, Urban Mixed-Use Zoning District

Prior to the meeting this item was Withdrawn. No further action will be taken on the application.

OTHER

Attorney Hammer distributed a copy of Rules of Procedures for the Zoning Board of Appeals. Mr. Capovilla encouraged the Board to adopt these procedures. The Board felt the proposed Rules of Procedure were beneficial.

A **MOTION** was made by Scott Sanders to **APPROVE** the Rules of Procedures for the Zoning Board of Appeals as presented. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

With no further business to report, the meeting was adjourned at 7:20 PM.

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