



ZONING BOARD OF APPEALS
Tuesday, October 20, 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: Melissa Luciani-Beckford
Tom Fabiano
Alicia DiBenedetto-Neubauer
Kimberly Wheeler-Johnsen
Dan Roszkowski
Scott Sanders

Absent: Craig Sockwell

Staff: Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Lafakeria Vaughn - Assistant City Attorney
Josh Carpenter - Rockford Police Department

Others: 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 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, October 26, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the September 15th meeting as presented. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0 with Craig Sockwell absent.

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, July, August, September 2015

The subject property is located on the east side of North Main Street. This area will be affected by the IDOT road improvement project, which brings about this application. Attorney James Rodriguez reviewed the request for Variations. He discussed the site plan included with Staff's report. This property is used for mini-storage. Attorney Rodriguez explained that there is a drive aisle on the west side of the building that will be lost due to the taking if they had to comply with the ordinance. They would however, like to maintain the drive aisle on the west side of the property. If the 10 foot landscape strip were required, there would not be enough room for trucks to get in and out. They are asking that the sign be allowed to be placed within the zero setback line due to the taking as well. Mr. Capovilla stated all the property owners along North Main were notified two years ago of the widening of the road and informed that all non-compliant signs will need to be removed and new signs will need to be in conformance. Attorney Rodriguez verified that the existing non-conforming sign will be replaced with a conforming landmark-style sign.

Alicia Neubauer felt there were quite a few parking spaces that may not be needed and asked about putting some landscaping within those areas. Mr. Capovilla stated the impact of this site is along the front of the property and that should be the focus of the landscaping for the site. He further stated he felt this site was right at the limit of the parking requirements at this point. In addition, delivery trucks that come in and out will require a wide corner area for turning.

Mr. Sanders felt it appears there is a double curb near the sign and south entrance and asked Mr. Capovilla for clarification. Mr. Capovilla explained the double line shown on the drawing may actually be representative of the right-of-way, but when a full sized site plan is submitted there will be clarification. Public Works was not available to provide input at this time.

Staff Recommendation is for Approval of all requests with (3) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Variation to allow a reduction in landscape frontage from 10' in width to 4'10 ½" in width; to **APPROVE** the Variation to reduce the sign setback from five (5) feet to zero (0) feet for a free-standing landmark-style sign; and to **APPROVE** 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 Main Street with the addition of condition (4). The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. That a final site plan and landscaping plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
2. Replacement of the freestanding sign must be a landmark style sign with a maximum of 64 square feet and 8' in height.
3. Must meet all applicable building and fire codes.
4. Staff to review the apparent curb on the western edge of the landscaping strip.

ZBA 010-15
Finding of Facts for Approval of a Variation
To Allow a Reduction in Landscape Frontage
From 10 Feet in Width to 4'10" in Width at
3231 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 010-15
Finding of Facts for Approval of a Variation
To Reduce the Sign Setback from Five Feet to Zero Feet
For a Freestanding Landmark Style Sign
In a C-2, Limited Commercial Zoning District at
3231 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 010-15
Finding of Facts for Approval of a 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 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 031-15
Applicant
Ward 03

1422 National Avenue

Harry Pastores

Variation to reduce the required side yard setback from 6 feet to 0 feet along the north property line for a new 23 feet by 10 feet addition to the north side of the existing garage in an R-1, Single-family Residential Zoning District.

Laid Over from September 2015

The subject property is located on the northwest corner of the National Avenue and Sheridan Street intersection. Harry Pastores, Applicant, reviewed his request for Variation. Mr. Pastores stated due to the small size of their current garage, he and his wife have great difficulty in their advancing years getting the lawn mower and snow equipment out of their garage. He stated they are agreeable to removing the North wall as discussed as an option in Staff's report to assist in the enlargement of the structure.

Staff Recommendation is for Approval with (5) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback from 6 feet to 0 feet along the north property line for a new 23 feet by 10 feet addition to the north side of the existing garage in an R-1, Single-family Residential Zoning District at 1422 National Avenue. The Motion was **SECONDED** by Melissa Beckford 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 a Building Permit for Staff review and approval prior to construction.
3. Submittal of a revised detailed site plan that includes the garage addition and setback to the north property line for Staff review and approval.
4. That the attached garage addition be constructed so that the exterior walls are brick and match the existing building design.
5. Submittal of a Driveway Permit for any future addition to the apron and/or driveway for Staff review and approval.

ZBA 031-15
Findings of Fact for Approval of a Variation
To Reduce the Required Side Yard Setback
From 6 Feet to 0 Feet Along the North Property Line
For a New 23 Feet By 10 Feet Addition to the North Side
Of the Existing Attached Garage
In an R-1, Single-Family Residential Zoning District at
1422 National 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 037-15

Applicant

Ward 01

6090 Strathmoor Drive, Suite 1

Ramesh Vemuri

Special Use Permit for a Methadone clinic in a C-1, Limited Office Zoning District

The subject property is located on the north side of Strathmoor Drive and the current use is for medical offices. Vicky Wojtas, Program Director of their Methodone Clinic in Elgin – Dr. Robert Meyer, owner of Mather’s Clinic – and Dr. Ramesh Vemuri, physician at the subject property clinic were present. Ms. Wojtas reviewed the request for Special Use Permit for a Methadone clinic. She explained how their Methadone Clinic in Elgin operates, stating the subject request would follow the same procedures. She further explained that Methadone is a medication prescribed by a licensed doctor after an complete examination is performed, and the patient is monitored daily when they come in for treatment. They do not accept government grants such as Public Aid – patients must pay out of pocket for their treatment. Patients must follow the rules of the treatment required, and the patient will not be allowed to stay in the program if they do not. Ms. Wojtas said 15 babies have been born at their clinic, all were healthy and none were addicted. She further discussed the number of drug use related deaths reported by the hospitals in Rockford. She stated most programs in the Rockford area are 28 days, explaining that this is

not enough time for this type of addiction. The Mather's Clinic encourage their patients to commit to one year. She stated this clinic will do all they can to maintain the integrity of Mather's Clinic, respect the neighborhood and surrounding buildings. They have an RN, an LPN, Physicians and a Psychiatrist / Therapist. These nurses start at 5:15 AM because the patients have to go to work. They are required to see their therapist, follow the rules and pay for their treatment. They must work. Ms. Beckford asked how long they would be on Methadone. Ms. Wojtas responded a year to 18 months, although some people have been on Methadone their entire life. Dr. Vemuri stated it takes about 18 months for a patient to turn their life around. Scott Sanders asked what the typical daily interaction was like. It was explained that the medication is admitted orally. Patients check in and make their payment on Monday. They must come every day for observation, including Saturday. Unless they have an appointment to see a therapist or physician, they come in, take their medication and leave. They are not there to loiter or make friends. The clinic in Elgin is not in a residential area. Mr. Mathers stated they have been in Rockford for many years, but not as a Methadone use. They have been at this current location for three years.

Kim Wheeler asked how close the nearest residential district was to the clinic in Elgin. Dr. Vemuri stated about 4 blocks. Melissa Beckford asked if they had considered other locations for their proposed Methadone clinic in Rockford.. Dr. Vemuri stated they currently have a medical clinic at the subject location and would prefer to operate where they are already located.

Staff Recommendation is for Denial. Objectors or Interested Parties were present. One letter of Objection was received from the Solar Village Condo Association: Janet & Roger Benjamin; Kym Waller; Clarence & Bessie Alberty; and Nolan Rogers. Ms. Alberty and Mr. Rogers were present and did express their concerns verbally as well.

An individual who wished to remain anonymous, spoke in Support of this application. He was willing to give his name to Attorney Hammer but was not required to provide his name to the Board or the public attendees. He stated he has been a patient of Dr. Vemuri for several years. He provided his background information regarding his journey into the world of drugs. He explained that his addiction consumed his entire life and that Methadone completely turned his life around. He praised Dr. Vemuri for being there for him and available to take his calls at any time when he needed support. He further stated people on Methadone will not overdose on heroin. He has never seen a crime committed or even a fight at the clinic he attends. This service helps people, reduces crime and violence, and is a great solution. The gentleman concluded by stated he is almost tapered off and is in a completely different place than he was a year ago.

Jill Rowe, present as a supporter, and employee of the clinic in Rockford, stated addiction has no gender, role, or income. She stated seeing the pride in the eyes of her patients who have come clean is the best feeling ever.

Marco Russo, speaking in Support, stated he is a drug and alcohol counselor. Opiate addiction is at an all time high and Rockford needs to address this issue one way or another. Another Methadone clinic allows for more options and allows a chance for people to get clean. Saying "No" means turning your back on those who need help. These patients have counselors for substance abuse, and psychologists who see these patients all week long so they develop a rapport. It is not just about getting a client in the door but about getting them out alive. Mr. Russo felt Rockford has not taken care of substance abuse issues as well as it could.

Dr. Jamil Hussain spoke in Objection stated he moved into the current neighborhood in 1988. His office is next door to this clinic and he is the most affected. Dr. Hussain stated that since Mathis Clinic has moved into this neighborhood, his vehicle has been broken into twice, and the neighborhood is going down. It has become difficult to find parking as well.

Bessie Alberty and Nolan Rogers were present as Objectors representing the Solar Village Condo Association. They also submitted a letter and photos of their neighborhood that were provided to the Zoning Board prior to the meeting. There are four buildings in their association and Ms. Alberty stated the medium age of the residents are 70 years old. There is no separation between the sidewalk of the clinic

and the green space that their grandchildren play on. She stated there are only 43 parking spaces and on most days there are less than 10 parking spaces available. It is a good 6 blocks to the nearest bus stop. There are large ponds nearby and she is concerned with contamination. They can see the clinic from their decks. They understand the need for Methadone and they do not disagree with it's purpose; however, they do not wish to see it near their residential area. Ms. Alberty stated there is a facility downtown that is a better location. This location is not a good fit.

Leigh Ann Tackaberry, Doctor of Audiology also spoke as an Objector, stating she recently purchased a private practice and all of her patients are elderly. They walk slowly and are quite vulnerable. She is also concerned about her own safety in the evening hours.

In response, Ms. Wojtas stated she operated a Methadone clinic located one east of Alpine on State Street for two and a half years. They never had one issue or any problem at this location. This is an epidemic that is getting worse and worse in the City of Rockford. She stated because of the hours of operation, parking should be no issue at all.

Melissa Beckford stated she is not comfortable with supporting a Methadone clinic at this location. She feels the staff is well qualified, but the neighborhood is wrong. Mr. Sanders stated he takes offense at Mr. Russo's statement that if the Zoning Board votes to deny they are turning their backs on people in need. The issue on the agenda at this meeting is not the quality of the Methadone clinic itself, but the location they have chosen to be in.

Ms. Neubauer disagreed, stating there is a lot of commercial in this area. She felt the Applicant could put up a fence and limit their hours of operation. She stated previously that Board has had another application for downtown and comments were made that we have too many in one location and we need to spread it out the City. Now we have an applicant wanting to doing this.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a Methadone clinic in a C-1, Limited Office Zoning District at 6090 Strathmoor Drive, Suite 1 with conditions as follows:

1. Meet all Building and Fire Codes.
2. A fence to be installed on the property line adjacent to R-3 zoning
3. Hours of Operation to be as indicated on the Business Plan.

The Motion was **SECONDED** by Kim Johnsen and **Failed To Carry** by a vote of 2-4 with Scott Sanders, Melissa Beckford, Tom Fabiano, and Dan Roszkowski voting Nay. This application moves forward with a recommendation of Denial.

ZBA 037-15
Findings of Fact for Denial of a Special Use Permit
For a Methadone Clinic
In a C-1, Limited Office Zoning District at
6090 Strathmoor Drive

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 or 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 C-1 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have 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-1 Zoning District in which it is located.

ZBA 038-15

Applicant
Ward 08

4242 Harrison Avenue

Joanna Zaimes for T-Mobile

Modification of Special Use Permit #105-07 to increase the height of an existing 83 feet high communication antenna support structure to a height of (84) feet and (4.5) inches in a C-3, General Commercial Zoning District

The subject property is located 230 feet west of the Harrison Avenue and North Alpine Road intersection. Jack Voltz, representing T-Mobile, reviewed the request for Modification of Special Use Permit #105-07. He stated he original Special Use Permit was for an 83 foot high communication antenna support structure. There will be a slight increase in the ground footprint as part of this application..

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

Alicia Neubauer thanked the Applicant for looking to co-locate on existing poles as this has been the Board's preference rather than build new towers.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #105-07 to increase the height of an existing 83 feet high communication antenna support structure to a height of 84 feet and 4.5 inches in a C-3, General Commercial Zoning District. 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 revised plans for the communication antenna support structure that include the co-location of the new antennas at a height of 84 feet and 4.5 inches.

ZBA 038-15
Findings of Fact for Approval of a Modification of Special Use Permit #105-07
To Increase the Height of an Existing 83 Feet High
Communication Antenna Support Structure
To a Height of 84 Feet and 4.5 Inches
In a C-3, General Commercial Zoning District at
4242 Harrison Avenue

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.

039-15
Applicant
Ward 10

227 North Alpine Road

Jim Kroeplin / McMahon

Modification of Special Use Permit #133-84 and #127-99 for a parking lot addition in an R-1, Single-family Residential Zoning District and C-3, General Commercial Zoning District

The subject property is located on the south side of Turner Avenue between North Alpine Road and Alder Avenue. Jim Kroeplin and Dr. Bernard Long were present. Mr. Kroeplin is the civil engineer on this project and reviewed the request for the addition of 14 parking stalls. He stated they will provide a landscape buffer as required. The owner would like to install a new light pole to light up the parking area as well. There is currently an existing landscape buffer.

Alicia Neubauer asked why there was a need for a parking increase for an animal clinic. Dr. Long stated they have an increase in clientele and they have had to park on the street.

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

A **MOTION** was made by Melissa Beckford to **APPROVE** the Modification of Special Use Permit #133-84 and #127-99 for a parking lot addition in an R-1, Single-family Residential Zoning District and C-3, General Commercial Zoning District at 227 North Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Submittal of a parking lot permit including a detailed landscape plan.
2. Installation of sidewalk along Turner Street from Alder Avenue west to the existing parking entrance on Turner Street.

ZBA 039-15
Findings of Fact for Approval of a Modification of Special Use Permits
#133-84 and #127-99 For a Parking Lot Addition
In An R-1, Single Family Residential Zoning District
And C-3, General Commercial Zoning District at
227 North Alpine 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, 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-3, R-1 Districts.
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-3 and R-1 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:05 PM

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