

ZONING BOARD OF APPEALS
Tuesday, November 16, 2010
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Aaron Magdziarz
Alicia Neubauer
Dennis Olson
Dan Roszkowski
Julio Salgado
Scott Sanders
Craig Sockwell

Absent:

Staff: Jennifer Cacciapaglia – City Attorney
Todd Cagnoni - Deputy Director, Construction Services
Sandra Hawthorne – Admin. Assistant, Construction Services
Jon Hollander – City Engineer, Public Works
Matt Knott– Chief, Fire Prevention
Jessica Roberts, Planner II

Others: Alderman Nancy Johnson
Kathy Berg, Stenographer
Applicants and Interested Parties

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

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 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, answer 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, November 29, 2010, 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 Sandra Hawthorne in the Zoning Office for future information and that her phone

number was listed on the top of the agenda which was made available to all those in attendance at the beginning of the meeting. The City's web site address for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 7:10 P.M. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the October 19, 2010 meeting as submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0 with Julio Salgado abstaining as he was absent from the October meeting.

ZBA 023-10

Applicant

City of Rockford

City of Rockford Legal Department

Comprehensive Zoning Map Update with multiple zoning amendments for City Wide Zoning Map (**Laid Over from October meeting**)

This item was presented at the October meeting by Staff and public representation was also given. Staff requested that this item be Laid Over to the November meeting to allow them an opportunity to review the input given by the public prior to vote.

Mr. Cagnoni asked that both this item and the Zoning Text Amendment , ZBA Item 038-10 be heard at the same time, as they are in correlation. Although they can be heard jointly, they will need to be voted on separately. Mr. Cagnoni explained that subsequent to the public hearing last month Staff has had conversations with the public and have identified the process which is going through at this meeting. He reviewed the origination and purpose of the Zoning Map Update to the Board.

Reference was made to the November 16, 2010 memorandum from Jessica Roberts, Planner II, in which Staff is agreeable to supporting the request of the Highland Neighborhood Association in their desire to have their area remain as R-2 zoning. That area is bounded on the south by East State Street, north by Charles Street, East by Washington, and west of 12th and Prospect. This does not include the commercial proposed along Charles Street.

Also addressed was a request from Todd Orr to maintain the current R-2 zoning for the property bounded by College Avenue to the north, Seminary Street to the west, and South 3rd Street to the East. These two lots owned by Mr. Orr are currently vacant and have a lot size appropriate to the density.

Ms. Robert's memo also addressed several properties on Guilford, Gardiner and Rural where the proposed changes will be from R-2 to R-3 in order to allow for existing multi-family structures. Property owners of these 18 PINs were sent letters notifying them of such and Staff has not received any negative feedback.

Mr. Cagnoni explained the first portion of the text amendment presented as ZBA Item 038-10 was with the intent to allow the two families that were conforming in the R-2 district, and were constructed as two-families, to remain conforming in the R-1 District. This text amendment applies to all of the R-1 zoned property. The second portion of the text amendment pertains with signage and deals with the definition of "obscene signage".

Objectors or Interested Parties were present.

Paul Arena, 1024 North Church, and owner of properties in the 900 block of North Court was present.

Mr. Arena felt there were problems with properties that were legal non-conforming when selling these. He would like to see zoning match the use of the structure. He stated there is still a concern with excluding conversions and feels the area pertaining to his properties is not appropriate to be R-1 zoning. Mr. Arena explained there are multi-family buildings present and stated there is a different way to handle conversions. He concluded that his is not a single-family area.

In response, Mr. Cagnoni stated the proposed change in zoning came from the request of the Signal Hill Association. The properties reference are legally non-conforming at this time and will remain legal non-conforming. There is an existing rule that if a property is damaged or destroyed beyond 50 percent through no fault of the owner, that building can be rebuilt according to the original building permit. How they would be allowed to be rebuilt would be based on the original construction.

Ken Becker, 728 North Gardiner Stated he was speaking on behalf of 23 properties in his area. He is concerned with property being down-zoned when it comes to the ability to sell property. He feels it is a dangerous thing to downzone property because it puts the seller in the position where he cannot sell. He wants to see the area on Gardiner area remain as R-3 and spoke of non-conforming uses from back in the 1970's. It was his opinion that even though the city sent out zoning letters, many of the recipients do not comprehend what it going on.

Conor Brown, Rockford Area Association of Realtors Mr. Brown stated he appreciated Staff's willingness to work with the Rockford Area Association of Realtors through their issues of concern. Mr. Brown stated he still had an issue with non-conforming properties. He offered a revision to the portion of the text amendment for Two-family Structures to change the proposed statement of "with a minimum lot size of 7700 square feet" to "regardless of lot size".

In response, Mr. Cagnoni stated there was a fundamental request to make all non-conforming properties conforming. Staff would want to go through the process of evaluating the effects on our community before allowing all non-conforming properties in the city to automatically become conforming. He stated there have also been requests from some neighborhood organizations to force an owner to immediately remove units in a structure that have been converted. Staff would like to come to a consensus on what we want to accomplish with this zoning map amendment. Staff would like to move forward with the plan and text amendment as proposed. Regarding Mr. Brown's request to remove the 7,700 square foot, this proposed amendment would take all two families that were originally constructed and would make them conforming throughout the city regardless of their lot size. Although this would have beneficial aspects regarding non-conforming structures to become conforming; Staff is uncomfortable with moving forward with a blanket text amendment of this type because of the affect it would have city-wide.

Ms. Neubauer stated she does not understand the Highland Neighborhood area. She stated the majority of the homes in that area are R-1 but is currently zoned as R-2. Subsequent to the last hearing, letters were received from the Highland Neighborhood Associating asking that it remain R-2. Mr. Cagnoni explained there are no changes to the Highland area in the proposed plan. There are single-family homes in that neighborhood that meet the density requirement that could be converted to two-families.

Mr. Cagnoni further explained those properties less than 7,700 are non-conforming now. It was not the intent to make all originally construction two-families city wide in the R-1 district all conforming. This could also be looked at in the R-2 district. If it should become the intent to make all structures conforming in the City, Staff would want to look at all levels. On other consideration, it is possible there may be negative feedback from other property owners who would prefer not to see all properties set as conforming.

A Motion was made by Scott Sanders to **APPROVE** the Comprehensive Zoning Map Update with multiple zoning amendments for the City Wide Zoning Map with amendments identified in Jessica Robert's memorandum dated November 16, 2010 as presented. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 7-0.

consistently parks their vehicle at the end of the driveway rather than up by the garage, making it difficult to see around this vehicle when the Applicants are backing out into the street. Photos were provided showing the neighbor's vehicle parked at the end of the driveway. Mrs. LeMoine stated they have no intention of parking on this pad in front of their home. It would be used strictly for turnaround purposes only. Mrs. LeMoine stated they take pride in their home and have gone to great efforts to beautify their property. They also provided photos of other homes on Newburg and Broadway that have turnarounds. Mr. LeMoine stated there have been several times when he has had to pull back into his driveway because of the speed of another vehicle coming down Broadway.

Staff Recommendation was for Denial of both requests. Objectors or Interested Parties were present.

Alderman Nancy Johnson stated the Applicants have been proactive in working with her once they were made aware of the violation. This area is single family garages and driveways. There is no parking on Broadway or Eastgate in their area because it is a bus route. Her concern, however, is that if this Application is allowed, it opens the door for all of Broadway to pave their front yard areas as well. The Applicants do have excellent landscaping. Alderman Johnson stated she is not thrilled the manner in which this pad was installed, but she is willing to let the decision be made at the Board's discretion.

In response, the Applicant's stated there is another photo on Broadway that recently poured a new slab. Their concern is for the safety of her family and her visitors and the safety of those vehicles driving by on Broadway when they are attempting to back out of their driveway.

Mr. Sanders asked how they arrived at the size. Mr. LeMoine stated he backed his truck into the driveway and measured how much space he needed to back into the area and then move forward down the driveway. He expressed it is not their intention to park there or store another other type of vehicle such as a camper on this pad. Ms. Neubauer asked if landscaping to make the pad less noticeable was an option. Mr. Roszkowski stated he can certainly understand their concern for safety, but was also concerned with setting a precedent of people putting in a turnaround or parking pad without contacting the city and then feeling it would be allowed because it is already there. Mr. Sanders stated because the pad connects with the neighboring walkway, it gives the impression of a lot of paving in the front yard. Mr. Sockwell stated he visited the site and pulled into an adjacent driveway and the neighboring vehicle parked down by the road did obscure the view of oncoming traffic. Mr. Cagnoni explained that had the Applicant come to Staff prior to this installation and discussed their concerns it may have been a possibility to use other materials that would be more aesthetically pleasing and still serve the purpose of a turnaround. He further stated if this were approved Staff would want to recommend a smaller size. Mr. Hollander stated using turf stone or similiar product would be a recommendation of Public Works to avoid looking like a paved front yard. He further stated a licensed contractor would know a permit is required and that this type of paving in the front yard is not allowed. Mr. Sanders stated there is value to the continued green space of a front yard in a neighborhood, and everyone who lives in the area has the obligation to maintain the aesthetics of a front yard for the rest of the neighborhood. Mr. Sanders asked if this were denied, what would the Applicant's recourse be to resolve their issue of having to back onto Broadway. Mr. Cagoni stated turfstone or other products would be acceptable. The Board asked if the contractor could be held liable for doing this work without a permit and for paving in the front yard. Mr. Cagnoni stated it might be a possibility; however, the Applicants did not wish to name the contractor.

Alderman Johnson asked if the Applicant's were required to come back through ZBA, could the fee be waived. The Board felt they could resolve the issue this evening by Approval, Denial, or Approval with conditions of using other material.

A **MOTION** was made by Scott Sanders to **DENY** the Variation for a 16' x 16' turn-around extension to a driveway in the required front yard; and to **DENY** the Variation to increase the Maximum Impervious Surface Ratio from 50% to 54% and to **APPROVE** a Variation to using grass crete or alternative material as allowed by Staff for a 16 x 16 turnaround extension to the driveway in the required front yard in an R-1, Single-family Residential Zoning District at 3447 Broadway. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 7-0.

ZBA 034-10
Findings of Fact for a Variation
For a Sixteen Foot by Sixteen Foot Turnaround Extension
To a Driveway in the Required Front Yard
In an R-1, Single-Family Residential Zoning District at
3447 Broadway

Denial of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 034-10
Findings of Fact for a Variation
To Increase the Maximum Impervious Surface Ratio
From 50% to 54%
In an R-1, Single-Family Residential Zoning District at
3447 Broadway

Denial of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.

4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 034-10
Findings of Fact for a Variation
For a Sixteen Foot by Sixteen Foot Turnaround Extension
To a Driveway in the Required Front Yard
Using Grass Crete or Alternative Material as Allowed by Staff
In an R-1, Single-Family Residential Zoning District at
3447 Broadway

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 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.

035-10
Applicant
Ward 1

746-748 Gabriella Court

Attorney Nancy Hyzer

Variation to side yard setback from 6' to 0'

Variation to lot width of 80' to 32'

Variation to lot size from 8,800 sq. ft. to 6,300 sq. ft. in an R-2, Two-family Residential Zoning District

Prior to the meeting a request was received to Lay Over this item to the December 21st Zoning Board of Appeals meeting.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the Variation to side yard setback from six feet to zero feet; the Variation to lot width of eighty feet to thirty two feet; and the Variation to lot size from 8,800 square feet to 6,300 square feet in an R-2, Two-family Residential Zoning District at 746-748 Gabriella Court. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

036-10
Applicant
Ward 8

3445 Minnesota Drive

Michelle Gautier

Variation to allow a six foot fence as previously placed in the front yard along Eastgate Parkway in an R-1, Single-family Residential Zoning District

The subject property is located on the SW corner of Minnesota Drive and Eastgate Parkway and is a single-family residence. This Application is a result of the construction of a six foot high fence along the front yard without a permit and higher than the four feet allowed. Michelle Gautier, Applicant, was present. Ms. Gautier there was a 6' fence on the property when they moved in. 3 years ago they replaced the fence on the other side with a vinyl fence without a permit. Two years ago when they wanted to replace the fence in the front yard they were told it had to be 4 feet. She stated it was her understanding that if she replaced the fence with the same material and used the existing posts the fence could remain at 6'. The entire fence was replaced with the exception of the gate. Ms. Gautier feels they should be allowed to keep a 6' fence because there was originally a 6' fence in this location. She is concerned that a shorter fence would not be as secure for the safety of her children. A petition signed by neighbors that they are agreeable to the fence was submitted.

Staff Recommendation is for Denial. Objectors or Interested Parties were present.

Alderman Nancy Johnson stated this was a "repair" that turned into a new fence. It is highly landscaped and attractive. She expressed that homeowners do not always realize that a corner lot has two front yards. She is in support of this application.

The Board felt the fence was not a problem. Ms. Neubauer, however, felt this was no different than the previous application where the person did the work without a permit and then wanted it to be allowed.

A **MOTION** was made by Dennis Olson to **APPROVE** the Variation to allow a six foot fence as previously placed in the front yard along Eastgate Parkway in an R-1, Single-Family Residential Zoning District at 3445 Minnesota Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

ZBA 036-10
Findings of Fact for a Variation
For a Six Foot Fence as Previously Placed in the Front Yard
Along Eastgate Parkway
In an R-1, Single-Family Residential District at
3445 Minnesota Drive

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.

037-10

Applicant

Ward 1

510 South Perryville Road

Zagreb II, LLC

Special Use Permit for a night club in a C-2, Limited Commercial Zoning District

The subject property is located within a strip mall on the southeast corner of Walton Street and South Perryville Road and is currently the vacant tenant space of the former Cousin's Bar & Grill. Attorney Gino Galluzzo and Vikica Bilich were present. Attorney Galluzzo reviewed the request for a night club. He explained that on Thursday, Friday and Saturday evenings the Applicant would like the option to allow dancing by moving tables to create a dance floor. There may be a cover charge at times. Ms. Bilich was not certain who would handle security. Attorney Galluzzo explained that at the Applicant had the same type of business at another location where they handled their own security. Attorney Cacciapaglia stated in checking with the police records they have had no problems at their other location. When the liquor application is approved if it is determined by the Mayor that a security team is required the Applicant will need to comply.

Staff Recommendation was for Approval with 6 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for a night club in a C-2, Limited Commercial Zoning District at 510 South Perryville Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The hours of operation will be limited to 11:00 A.M. to 2:00 A.M. Monday through Saturday.
4. The hours of operation will be limited to 11:00 A.M. to 12:00 Midnight on Sunday.
5. The sale of alcohol shall be limited to the interior of the restaurant and outdoor seating area that were submitted.
6. Security shall be provided at a minimum of 1 per 50 patrons.

ZBA 037-10
Findings of Fact for a Special Use Permit
For a Nightclub in a C-2, Limited Commercial Zoning District at
510 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, 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.

038-10
Applicant

Zoning Text Amendment

City of Rockford

Zoning Text Amendment to:

Section 20-1 Use Classification Table

Section 51-002 Signs Not Permitted

The proposed text amendment additions and modifications are an effort to address the concerns of those parcels that are proposed to be changed as part of the City of Rockford Zoning Ordinance update for those two-families lawfully established that are being changed to R-1, Single-family Residential District.

The proposed sign text amendment is at it relates to signs that are not permitted. The proposed text amendments are as follows:

Section 20-1 Use Classification Table

Two-family Structures – Legally established and originally constructed as evidenced by the original building permit, prior to *insert date of map update approval*, with a minimum lot size of 7,700 square feet to be continued uses in the R-1, Single-family Residential Zoning District.

Section 51-002

Signs not permitted, to include signs that are obscene (i.e. (a) whether the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value).

This item was discussed in conjunction with item ZBA 023-10 on this agenda.

A **MOTION** was made by Dennis Olson to **APPROVE** the Zoning Text Amendment to Section 20-1 Use Classification Table and Section 51-002 Signs Not Permitted as written in the Staff Report submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

032-10

Applicant
Ward 1

6957 Olde Creek Road

John Harris

Variation to allow a second wall sign on the east elevation above the first floor on building one in a C-1, Limited Office Zoning District

Laid Over from October meeting

This item was presented by the Applicant at the October 19th meeting. At that time, Dan Roszkowski asked that the request for a second wall sign be Laid Over to the November meeting because he had not visited the site prior to that meeting.

John Harris, Applicant, reviewed his request. Photos were handed out to show the building elevations. He explained that Midland State Bank is the client asking for the additional sign on building #1. The orthopedic physicians signs will be coming down sometime in the future. Ms. Neubauer and Mr. Roszkowski asked what the master plan for signage was. Mr. Roszkowski further stated there were 8 signs on the Perryville side already. He felt by relocating existing signs it would balance out the signage for a more pleasing look. Mr. Cagnoni clarified that City Ordinance says in a shopping center case multiple signage is allowed on the first floor, but only one sign is allowed above the first floor. This particular property is different because it has a Preannexation Agreement and Variations to signage. Maximum square footage above first floor shall be 150 for Buildings 1, 2, 4 and 225 for Building 3. Staff Recommendation was for Approval subject to 3 conditions. No Objectors or Interested Parties were present. Mr. Roszkowski felt this issue had already been addressed by past variations and agreements.

A **MOTION** was made by Alicia Neubauer to **DENY** the Variation to allow a second wall sign on the east elevation above the first floor on building one in a C-1, Limited Office Zoning District at 6957 Olde Creek Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0

ZBA 032-10
Findings of Fact for a Variation
To Allow a 2nd Wall Sign On the East Elevation
Above the First Floor on Building #1
In a C-1, Limited Office Zoning District at
6957 Olde Creek Road

Denial of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

With no further business to report, the meeting was adjourned at 9:15 P.M.

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