

**ZONING BOARD OF APPEALS**  
**Wednesday, January 20, 2010**  
**6:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Present:**

**ZBA Members:** Aaron Magdziarz  
Dan Roszkowski  
Julio Salgado  
Scott Sanders  
Craig Sockwell

**Absent:** Alicia DiBenedetto Neubauer

**Staff:** Todd Cagnoni - Deputy Director, Construction Services  
Sandra Hawthorne – Administrative Assistant  
Jon Hollander – City Engineer, Public Works  
Mark Marinaro - Fire Prevention

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

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as 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, February 1, 2010, at 4:30 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 were listed on the agenda as well.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the December 15, 2009 meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 3-0, with Dan Roszkowski and Julio Salgado abstaining as they were not in attendance at the December meeting and Alicia Neubauer absent.

**054-09**                    **1277 Asche Avenue**  
Applicant                David Jenkins  
Ward 6                    **Special Use Permit for a Planned Unit Development** for a Multi-family Residential Development consisting of 158 units on one lot in a C-3, General Commercial Zoning District

Prior to this meeting, a written request was received from the Applicant to Lay Over this item to the February 17<sup>th</sup> meeting.

Staff Recommendation was for Denial.

A **MOTION** was made by Julio Salgado to **LAY OVER** the Special Use Permit for a Planned Unit Development for a Multi-family Residential Development consisting of 158 units on one lot in a C-3, General Commercial Zoning District at 1277 Asche Avenue. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

**055-09**                    **2415 East State Street and 127 Hollister Avenue**  
Applicant                Attorney Steve Moore for Rosecrance Properties  
Ward 10                    **Modification of Special Use Permit #122-01** from a Planned Mixed-Use Development for a recovery home for young adolescent women between the ages of 14-18 not to exceed 12 residents plus staff to a Planned Mixed-Use Development consisting of an addition recovery home for adolescent people not to exceed 12 residents plus staff in an R-1, Single-family Residential Zoning District

The subject property is located on the southwest corner of East State Street and Hollister Avenue and is currently a recovery home for young adolescent women. Philip Eaton, Applicant, and Attorney Michael Iasparro were present. Attorney Iasparro reviewed the request for Modification of Special Use Permit. He stated the modification is to change the wording from “women” to “people” and to eliminate the age limitation to allow adolescents. He stated since the original Special Use Permit in 2001 took effect, there have been no problems at this location. The requested change will now allow young boys to take advantage of this facility.

Mr. Roszkowski and Mr. Sanders asked for a more exact definition of what adolescent ages were. Mr. Eaton stated this would give flexibility to serve 18 and 19 year old clients, basically high school age, with the youngest historically being 14. Within the existing facility of the girls recovery home, ages are mostly 18 and 19.

Staff Recommendation was for Approval with 2 conditions. No Objectors or Interested Parties were present.

During discussion, Mr. Sanders stated he had no problem with this application as long as the ages were defined as “adolescent”.

A **MOTION** was made by Scott Sanders to **APPROVE** the Modification of Special Use Permit #122-01 from a Planned Mixed-Use Development for a recovery home for young adolescent women between the

ages of 14-18 not to exceed 12 residents plus staff to a Planned Mixed-Use Development consisting of an addiction recovery home for adolescent people not to exceed 12 residents plus staff in an R-1, Single-family Residential Zoning District at 2415 East State Street and 127 Hollister Avenue. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Any expansions or changes shall require Modification to the Special Use Permit.
2. This request shall not include use of the single-family residence located at 127 Hollister Avenue.

**ZBA 055-09**  
**For a Modification of Existing Special Use Permit #122-01**  
**From a Planned Mixed-Use Development for a Recovery Home**  
**For Young Adolescent Women Between the Ages of 14-18**  
**Not to Exceed 12 Residents Plus Staff**  
**To a Planned Mixed-Use Development Consisting of an Addiction Recovery Home**  
**For Adolescent People Not to Exceed 12 Residents Plus Staff**  
**In an R-1, Single-Family Residential District at**  
**2415 East State Street and 127 Hollister 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. The services and activities will not be changing. The use of a recovery home has been in operation without any issues for the last nine (9) years.
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 R-1 Zoning District in which it is located.

**056-09**                    **3600 North Main Street**  
Applicant                Cynthia R. Shutkas  
Ward 12                   **Special Use Permit** for used passenger vehicle sales in a C-2, Limited Commercial  
Zoning District

More information from the Applicant is required in order for Staff to evaluate this application and provide a recommendation; therefore, Staff requested this item be Laid Over to the February 17<sup>th</sup> meeting.

A **MOTION** was made by Julio Salgado to **LAY OVER** the Special Use Permit for used passenger vehicle sales in a C-2, Limited Commercial Zoning District at 3600 North Main Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

**050-09**                    **1019 Broadway**  
Applicant                Frank Amato  
Ward 11                   **Special Use Permit** for a night club in a C-4, Urban Mixed-Use District  
**Laid Over from November and December meetings**

This Applicant also has a request for the Sale of Liquor by the drink in conjunction with a night club before the Liquor Advisory Board. This item was Laid Over at the November meeting and the Board and Staff requested the Applicant provide further information to Staff prior to the December 15<sup>th</sup> meeting. No information had been received by the Applicant prior to that meeting and neither Applicant nor Representative were present at the December meeting. This item was laid over to January with a written request sent to the Applicant that further information is required in order for this application to proceed.

Neither Applicant nor Representative were present.

The Board agreed to Staff's request that this item be Laid Over for one more month; however Mr. Sanders and Mr. Roszkowski indicated that no further Lay Overs would be granted.

A **MOTION** was made by Julio Salgado to **LAY OVER** the Special Use Permit for a night club in a C-4, Urban Mixed-Use District at 1019 Broadway. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

With no further business to come before the Board, the meeting was adjourned at 6:52 PM

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