

**ZONING BOARD OF APPEALS**  
**Tuesday, May 15, 2012**  
**6:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Present:**

**LAB Members:** Aaron Magdziarz  
Dennis Olson  
Dan Roszkowski  
Scott Sanders  
Alicia Neubauer  
Julio Salgado – Arrived at 6:22 PM

**Absent:** Craig Sockwell  
Aaron Magdziarz

**Staff:** Jennifer Cacciapaglia – City Attorney  
Todd Cagnoni, Deputy Director - Construction Services Division  
Mark Marinaro – Fire Department  
Kelly Nokes – Public Works  
Darius Morrow – Land Use Planner

**Others:** Alderman Frank Beach  
Kathy Berg, Stenographer  
Applicants and Interested Parties

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Todd Cagnoni explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Tuesday, May 29, 2012, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they

could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 6:45 PM. A **MOTION** was made by Alicia to **APPROVE** the minutes of the April meeting as submitted. The Motion was **SECONDED** by Scott and **CARRIED** by a vote of 5-0.

**ZBA 007-12**

**4623 East State Street**

Applicant  
Ward 1

Stantec Architecture, Robert Picard  
(A) Variation to increase maximum square footage for a drive-through directory (menu board) from 36 square feet to 43.6 square feet  
(B) Variation to increase maximum allowable height for a drive-through directory (menu board) from 6 feet to 6.75 feet  
(C) Variation to reduce parking from 46 to 36 parking spaces in a C-3, Commercial General District.

The applicant has requested a Withdrawal of this item.

No action taken by the Board.

**ZBA 014-12**

**3315 North Main Street LAID OVER TO MAY MEETING**

Applicant  
Ward 12

John Poon, Happy Wok  
A Special Use Permit for a Drive-through Restaurant and a Variation to allow reduction to 773 square feet of interior landscaping as shown on submitted site plan in a C-2, Limited Commercial District.

The applicant did not appear.

Todd Cagnoni recommended that item be dismissed.

A **MOTION** was made by Scott Sanders to **DISMISS** the Special Use Permit for a Drive-through Restaurant and a Variation to allow reduction to 773 square feet of interior landscaping as shown on submitted site plan in a C-2, Limited Commercial District at 3315 North Main Street. The Motion was **SECONDED** by Dennis Olson and **APPROVED** by a vote of 5-0.

**ZBA 015-12**

**884 Phelps Avenue**

Applicants  
Ward 14

John & Ellen Moore  
A Variation to reduce the required rear yard setback along the east property line from 30 feet to 6 feet in an R-1, Single-family Residential Zoning District.

The subject property is located on the northeast corner of the Phelps Avenue and Alma Drive intersection. John Moore the Applicant was present. The applicant is requesting a Variation to reduce the required rear yard setback along the east property line from 30 feet to 6 feet in an R-1, Single-family Residential Zoning District to accommodate their proposed attached garage in the rear yard. The applicant John Moore gave the Board a packet with pictures of the existing condition of the property and renderings of proposed addition and layout of the property and went on to explain what the pictures represented and how the interior layout will be used for the garage addition.

Scott Sanders stated that the old driveway will come out.

John Moore stated that the old driveway will be coming out replaced with a planter raised bed 2-3 feet high and be 6' feet by 60 feet. Everything will be removed including the curb and gutter except for the sidewalk and another big planter will be added.

Alicia Neubauer asked if your house is 29 feet by 30 feet why is the garage three times as big.

John Moore answered that he has a lot of equipment and will add new exercise equipment and needs the extra room to refinish furniture and redo the different things to his home in the winter time. I don't want to add something that looks like "hill Billy heaven" that somebody added on and added on or look like a warehouse. I would like it to look like a carriage house not a barn.

Alicia Neubauer states that in reality you will have 3 main doors and the old garage door.

John Moore stated he wants one continuous line and for the addition to look pristine.

Robert Johnson President of the Cedar Hills Condo Association is an interested party and stated that they have 2 buildings and 4 units that back up to the property and at the present time we do not have any issues with the way it is as far as yard or anything like that. The concerns that have come to me as President of the Condo Association is the possibility that this may turn into auto shop where they work on cars or some other kind of work and there has been a history of cars on the driveway with for sale signs for the last 20 years that we have been there of some sort or another a truck, a car, or a tractor that periodically have been up for sale so consequentially I have people calling asking if he is going to start auto shop.

John Moore stated the reason the tractor was there was because he had some land that he used to mow but sold the land to Sunil Puri. Consequently being that the economy was bad he traded the tractor for a truck and could not figure out to drive his existing truck and the new truck so he put it up for sale. When the truck did not sale he traded the trucks in and bought a new truck but I am not in the car business.

Robert Johnson stated in the neighborhood on Phelps that there was someone that repairing or restoring military vehicles so we are concerned and have never had issues but we have who have concerns. What do you have planned for the north elevation?

John Moore stated that there will no windows for security reasons and I just don't want windows on that side. I don't want it to look like a shed or warehouse and I respect my neighbors and I want to build so that it looks good.

Robert Johnson stated that he understands what is going on and why does he need all that space.

Bill Robertson stated that he is the Alderman of the 14th Ward and is a neighbor of John Moore and has walked through the property and the property is exceptional and really well taken care of. I know that he wants to maintain the sidewalk to go to the mailbox and maintain the same address but the existing driveway will be taken out and he has already shaped and formed the driveway with some red paint and will be quite a nice addition both to his house and will add to the overall strengths and value of the neighborhood. I am in full support of what John is trying to do and wants to do for the reasons he's trying to do it as well.

Alicia Neubauer stated that she was still uncomfortable with the magnitude of the garage and while I appreciate his enthusiasm and his respect for the neighborhood but I am concerned about what happens 50 years from now and there is this huge garage dwarfing a little house on that property that we approved so I can't support something that large.

Todd Cagnoni explained the garage could be constructed on the property now but he could not attached to his house without a Variation because our Ordinance allows accessory structures up to 720 square feet or 30% of the required rear yard and in this particular situation 30% of the required rear yard is about 1,000 square feet so he could construct a 1,000 square feet detached garage at 2.5 feet from the property lines north and east but just couldn't connect it to the house. Part of our reasoning behind recommending approval is on a design basis thinking it looks better and makes more sense to be attached rather than detached. Not that your point is not a good point, it is a large garage but he has addressed a lot of the concerns in regards to the second driveway and improvements. Should something happen in the future such as a change of ownership. It would be a violation of the Ordinance. From my conversation with John it is my understanding that his daughter is going to get the house long term as it proceeds.

Dan Roszkowski stated that assuming the old garage will be turned into something else.

Alicia Neubauer states it looks like the old garage is actually part of the big structure.

Dan Roszkowski states that the driveway will be taken out so it cannot be used as a garage anymore and that space will be added to the size of the house and probably will give them more grade level space than a second floor and going up and down steps.

Scott Sanders asked Todd if it is appropriate to add a condition to address the concerns of the objector or add a condition of approval to prohibit the use of commercial repair or sale of vehicles.

Todd Cagnoni stated that it is already prohibited.

Legal had no questions of the applicant

Staff Recommendation is for Approval with 4 conditions.

A **MOTION** was made by Scott Sanders to **APPROVE** the Variation to reduce the required rear yard setback along the east property line from 30 feet to 6 feet in an R-1, Single-family Residential Zoning District at 884 Phelps Avenue. The Motion was **SECONDED** by Dennis Olson is and **CARRIED** by a vote of 4-1.

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. The existing driveway and apron along Phelps Avenue will need to be replaced with topsoil and grass seed when the new driveway is constructed.
4. The future driveway will require a concrete sidewalk through the driveway.

**ZBA File 015-12  
Findings of Fact for a Variation  
to reduce the required rear yard setback along  
the east property line from 30 feet to 6 feet  
In a R-1, Single-family Residential Zoning District at  
884 Phelps 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.

With no further business to come before the Board, the meeting was adjourned at 7:16 PM.

Respectfully submitted,  
Darius Morrow, Land Use Planner  
Zoning Board of Appeals