

ZONING BOARD OF APPEALS
Tuesday, July 17, 2012
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

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

Absent:

Staff: Jennifer Cacciapaglia – City Attorney
Kelly Nokes – Public Works
Sandra Hawthorne - Administrative Assistant

Others: 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:

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 Monday, July 30, 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 6:30 PM. A **MOTION** was made by Dennis Olson to **APPROVE** the minutes of the June meeting as submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

ZBA 020-12

Applicant
Ward

528 Welty Avenue

Gary Hulstedt

Variation to reduce the minimum allowable side yard setback from six (6) feet to one and one half (1 ½) feet for a patio overhang along the south property line in an R-1, Single Family Residential Zoning District.

The subject property is located 80 feet south of the Greenwood Avenue and Welty Avenue intersection and is a single-family residence. This lot is considered a substandard lot by not meeting the minimum square footage for a lot in an R-1 Zoning District. Gary Hulstedt was present and reviewed his request for variation. He stated this is a narrow lot and his daughter and 5 year old grandson live at the residence. He stated there is a yard for the child to play in but due to the extreme heat they would like to install a patio cover, encased in aluminum on the south side of the house. This would allow the child an area in which to play that is safe and with protection from the sun. The cover will match the new siding that was on the house last year.

Staff Recommendation is for Approval with 3 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Variation to reduce the minimum allowable side yard setback from six (6) feet to one and one half (1 ½) feet for a patio overhang along the south property line in an R-1, Single Family Residential Zoning District at 528 Welty Avenue. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Must meet applicable building and fire codes.
2. Submittal of Building Permits for Staff review and approval.
3. Site and patio overhang must develop in accordance with submitted site plan and building elevations Exhibit D and E.

ZBA 020-12
Findings of Fact for a Variation
To Decrease Minimum Allowable Side Yard Setback
From Six (6) Feet to One and One half (1 ½) Feet
Along the South Property line for a Patio Overhang
In an R-1, Single-Family Residential Zoning District at
528 Welty 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 6:38 PM

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