



**ZONING BOARD OF APPEALS**  
**Tuesday, January 15, 2012**  
**6:30 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:**

Alicia Neubauer  
Aaron Magdziarz  
Dennis Olson  
Dan Roszkowski  
Scott Sanders  
Craig Sockwell

**Absent:**

Julio Salgado

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Marcy Leach – Public Works  
Sandra Hawthorne - Administrative Assistant

**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:

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, January 28, 2013, 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 Scott Sanders to **APPROVE** the minutes of the December meeting as submitted. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining and Julio Salgado absent.

### Approve Minutes of December 18, 2012

**038-12**                    **419 and 499 North Madison Street**  
 Applicant                Dave Honkamp & Steve Hoepfner  
 Ward 3                    **Special Use Permit** for approximately 10,000 square feet expansion of the existing 8,500 square feet building pursuant to Section 80-007-C as a legally non-conforming use, pursuant to the site plan and rendering submitted in a C-4 Urban Mixed Use District  
**Laid Over from November and December meeting**

This item will be Laid Over to the February 20, 2013 meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Special Use Permit for approximately 10,000 square feet expansion of the existing 8,500 square feet building pursuant to Section 80-007-C as a legally non-conforming use, pursuant to the site plan and rendering submitted in a C-4 Urban Mixed Use District. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

**046-12**                    **939 North 2<sup>nd</sup> Street**  
 Applicant                Kurt Johnson  
 Ward 3                    **Special Use Permit for a Planned Unit Development** consisting of a bed and breakfast to include event venues in an R-1, Single-family Residential Zoning District.  
**Laid Over from December meeting**

This item will be Laid Over to the February 20, 2013 meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Special Use Permit for a Planned Unit Development consisting of a bed and breakfast to include event venues in an R-1, Single-family Residential Zoning District at 939 North 2<sup>nd</sup> Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of

Mr. Sanders wished to inform the Board that the Codes & Regulations Committee overturned their ruling of Approval for the bed and breakfast portion of this application and voted for Denial unanimously.

**047-12**

Applicant

Ward 4

**6115 Forest Hills Road**

David Roby

**Variation** to increase the maximum allowable square footage of a detached garage (accessory structure) from 720 square feet to 1,032 square feet in an R-1, Single-family Residential Zoning District

**Laid Over from December meeting**

The subject property is located approximately 340 feet south of the Forest Hills Road and Tatum Road intersection and is a single-family residence. Judy and David Roby, Applicants, reviewed their request for Variation. The Applicant is proposing a 20' x 24' addition to an existing 23' x 24' detached garage. Mr. Roby stated their design plan is to match the roof of the new structure to that of the house so that it is appealing and fits well with the property.

Staff Recommendation is for Approval with (4) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to increase the maximum allowable square footage of a detached garage (accessory structure) from 720 square feet to 1,032 square feet in an R-1, Single-family Residential Zoning District at 6115 Forest Hills Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

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 garage must develop in accordance with site plan building elevations on file.
4. No business allowed within the detached garage.

**ZBA 047-12**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Allowable Square Footage**  
**Of a Detached Garage (accessory structure)**  
**From 720 Square Feet to 1,032 Square Feet**  
**In an R-1, Single-Family Residential Zoning District at**  
**6115 Forest Hills Road**

**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.

**050-12**                    **4646 Spring Brook Road**  
 Applicant                Jerry Heinzeroth  
 Ward 04                   **Zoning Map Amendment** from County R-1 to City R-1, Single-family Residential Zoning District.  
                                  **Special Use Permit for a Planned Unit Development** consisting of a home museum in an R-1, Single-family Residential Zoning District

The subject property consists of two parcels that are 1.22 acres in size when combined. The north parcel is located within the City of Rockford and is currently zoned R-1. The south parcel is located in Unincorporated Winnebago County. The property is located on the north side of Spring Brook Road, 1,280 feet northeast of the Spring Creek Road and Spring Brook Road intersection. Jerry Heinzeroth, Applicant and President of the Laurent House Foundation, reviewed the request. They wish to open the house as a museum as it is one of the most prominent Frank Lloyd Wright houses in the country.

The Board had no questions.

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 Zoning Map Amendment from County R-1 to City R-1, Single-family Residential Zoning District and to **APPROVE** a Special Use Permit for a Planned Unit Development consisting of a home museum in an R-1, Single-family Residential Zoning District at 4646 Spring Brook Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Submittal of a Building Permit for Staff review and approval establishing the home museum.
3. That an off-site parking location with visitor's center must be submitted for Staff review and approval.

**ZBA 050-12**  
**Findings of Fact for a Zoning Map Amendment**  
**From County R-1 to City R-1, Single Family Residential Zoning District at**  
**4646 Spring Brook Road**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:

- a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as RL, Light residential.

**ZBA 050-12**  
**Findings of Fact for a Special Use Permit**  
**For a Planned Unit Development Consisting of a Home Museum**  
**In an R-1, Single-Family Residential Zoning District at**  
**4646 Spring Brook 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 R-1 Zoning District in which it is located.

**051-12**                      **2410-2530 South Alpine Road**  
Applicant                      Cottonwood Financial Cash Store/David Frederick  
Ward 14                        **Special Use Permit** for a Payday Loan Store in a C-3, Commercial General District

The subject property is located within the Alpine Village Shopping Center on the northeast corner of South Alpine Road and Harrison Avenue. David Frederick, Applicant, was present and reviewed his request. Currently the applicant is operating a cash store located at 2424 South Alpine Road and wishes to relocate. He stated the current location will close down on a Saturday, they will relocate on Sunday, and open the new location that Monday.

Ms. Neubauer stated there shows a lot of storage area in this space and asked if they had plans for that. Mr. Frederick responded this was part of the tenant space and the landlord wished to lease the entire space.

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

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for a Payday Loan Store in a C-3, Commercial General District at 2410– 2530 South Alpine Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following Conditions:

1. Meeting all applicable building and fire codes.
2. Existing tenant space cannot operate as a cash store/payday loan business (2424 S. Alpine Road)

**ZBA 051-12**  
**Findings of Fact for a Special Use Permit**  
**For a Payday Loan Store**  
**In a C-3, Commercial General District at**  
**2410-2530 South 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 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-3 Zoning District in which it is located.

**052-12**                    **1002 East State Street and 103 Hall Street**  
Applicant                Linda Szelugh  
Ward 03                    **Special Use Permit** for body art services/retail/jewelry/clothing  
                                  **Variation** to allow street parking in a C-2, Limited Commercial Zoning District

The subject property is located on the northeast corner of Hall and East State Streets and is currently a vacant commercial retail space. Linda Szelugh, Applicant, and Troy Gregory were present. The Applicant wishes to conduct a body art services, retail, jewelry and clothing establishment at this location and is also asking for a Variation to parking requirements. The Variation for parking is not required.

Ms. Neubauer asked about the limited hours of 10:00 PM and she asked if that was their choice. Ms. Szelugh stated the retail portion of the business would be open later, but they would not do any tattooing after 10:00 PM. Ms. Szelugh stated they will have two stations only.

Staff Recommendation is for Approval with (4) conditions.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services/retail/jewelry/clothing in a C-2, Limited Commercial Zoning District at 1022 East State Street and 103 Hall Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. All signage must be in compliance with the Sign Regulations and require approval from the Zoning Officer.
3. Submittal of a building permit for the proposed use.
4. Hours shall be limited from 12:00 PM to 10:00 PM Monday through Saturday and closed on Sunday.

**ZBA 052-12**  
**Findings of Fact for a Special Use Permit**  
**For Body Art Services/Retail/Jewelry/Clothing**  
**In a C-2, Limited Commercial Zoning district at**  
**1002 E. State Street and 103 Hall Street**

**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-2 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.

**053-12**                    **526 West State Street**  
Applicant                Rosecrance, Inc.  
Ward 13                 **Special Use Permit** for community based housing on the 4<sup>th</sup> floor for a maximum of sixteen (16) residents in a C-4, Urban Mixed-Use Zoning District

Prior to hearing this item, Acting Chairman Roszkowski stated he will be abstaining. Scott Sanders took over as Acting Chair.

The subject property is located on the southeast corner of Winnebago Street and West State Street intersection and is currently Janet Wattles Health Center. Attorney Sherry Harlan, Bradley Carlson from Rosecrance, and Philip Eaton from Rosecrance were present. Mr. Eaton presented an arial photo of the property. Rosecrance is requesting to remodel the 4<sup>th</sup> floor of this existing building for a short term residential unit for 16 adult, handicapped individuals. He presented a floor plan as submitted in Staff Report. Mental Health Professionals, Nursing Personnel and other specialists would be on site 24 hours a day. Those patients would be individuals who are in a mental health crisis and require some method of individual assessment, stabilizing and screening for a maximum of 14 days. The facility will provide food service, laundry and housekeeping, on site. None of the patients will have automobiles on site. This is a voluntary facility and individuals could leave if they chose to. Historically the cost of this service is supported by Grants and Department of Mental Health and other sources.

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

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for community based housing on the 4<sup>th</sup> floor for a maximum of sixteen (16) residents in a C-4, Urban Mixed-Use Zoning District at 526 West State Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. That the community based housing on the 4<sup>th</sup> floor shall comply with the for a maximum of sixteen (16) residents.
3. The interior layout of the business shall be consistent with the submitted interior floor plan Exhibit E.

**ZBA 053-12**  
**Findings of Fact for a Special Use Permit**  
**For Community Based Housing on the 4<sup>th</sup> Floor**  
**For a Maximum of Sixteen (16) Residents**  
**In a C-4, Urban Mixed-Use Zoning District at**  
**526 West State Street**

**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-4 Zoning District in which it is located.

**054-12**                    **3535 North Bell School Road**  
 Applicant                SwedishAmerican Hospital / Glenn Evans  
 Ward 04                    **Variation** to increase the square footage from 64 square feet to 257 square feet for free-standing monument-style sign  
                                   **Variation** to increase the height from 8' to 20'8" for a free-standing monument-style sign along I-90  
                                   **Variation** to increase the square footage from 64 square feet to 108 square feet for a free-standing monument-style sign along North Bell School Road in a C-3, Commercial General District

Prior to discussion Scott Sanders and Alicia Neubauer stated they would be abstaining from discussion and vote on this item.

The subject property is approximately 25 acres located west of I-90 and east of North Bell School Road and is currently vacant farmland. The facility is under construction for the new SwedishAmerican Regional Cancer Center. Glenn R. Evans, representing SwedishAmerican Hospital, reviewed the requests. They are asking to increase the size of the monument sign south of the corner of Riverside and Bell School Road. Mr. Evans explained there is a large concrete sound barrier along I-90 and traffic coming from the south would have difficulty seeing a smaller sign. Traffic from the North has a visual impairment created by the overpass. He stated the monument is all brick and stone with a metal sign. The Applicant is asking to increase the sign on Bell School Road by approximately 50%. This sign will also be stone, brick and mortar.

Mr. Sockwell stated he understood the need for the I-90 sign, but is not certain why the increase is required along Bell School Road. Mr. Evans explained the design will be an open vision panel style on the building and they are trying to mimic the sign to this design, which requires a larger sign running perpendicular to the road.

Staff Recommendation is for Approval of all items with (1) condition. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to increase the square footage from 64 square feet to 257 square feet for free-standing monument-style sign; **APPROVE** the Variation to increase the height from 8' to 20'8" for a free-standing monument-style sign along I-90; **APPROVE** the Variation to increase the square footage from 64 square feet to 108 square feet for a free-standing monument-style sign along North Bell School Road in a C-3, Commercial General District at 3535 North Bell School Road. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 4-0 with Scott Sanders and Alicia Neubauer abstaining.

Approval is subject to the following conditions:

1. Must be in accordance to Exhibits E, F, and G.

**ZBA 054-12**  
**Findings of Fact for a Variation**  
**To Increase the Square Footage from 64 sq. Ft. to 257 sq. ft.**  
**In a C-3, Commercial General District at**  
**3535 North Bell School Road**

**Approval** of this Variation is based upon the following findings:

2. 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.
3. 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.
4. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
5. 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.
6. 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.
7. 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.
8. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 054-12**  
**Findings of Fact for a Variation**  
**To Increase the height from 8' to 20'8" Along I-90**  
**In a C-3, Commercial General District at**  
**3535 North Bell School Road**

**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 054-12**  
**Findings of Fact for a Variation**  
**To Increase the Square Footage**  
**From 64 Sq. Ft. to 108 St. Ft. Along North Bell School Road**  
**In a C-3, Commercial General District at**  
**3535 North Bell School Road**

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 7:18 PM

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