



ZONING BOARD OF APPEALS
Tuesday, March 18, 2014
5:30 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: Aaron Magdziarz
Alicia Neubauer
Dennis Olson
Dan Roszkowski
Scott Sanders
Craig Sockwell

Absent:

Staff: Angela Hammer – City Attorney
Marcy Leach – Public Works
Todd Cagnoni – Director, Community & Economic Development Dept.
Tim Morris – Fire Department
Sandra Hawthorne - Administrative Assistant

Others:

Alderman Joseph Chiarelli
Alderman Thomas McNamara
Alderman Jeanne Oddo
Alderman Frank Beach
Kathy Berg, Court 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, March 31, 2014, 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 5:30 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the February meeting as submitted. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

ZBA 045-13
Applicant
Ward 13

715 W. State Street; 120 N Rockton Avenue; 1XX & 129 N. Horsman Street
Rockford Rescue Mission / Sherry Pitney
Special Use Permit for a **Planned Unit Development** consisting of a Women's and Children's Center with a new addition and parking lot
Variations to decrease required front yard setback along West State Street, North Horsman Street and Mulberry Street to 0 feet for new canopy additions in a C-3, General Commercial Zoning District.
Laid Over from January & February meetings

Prior to the meeting a request was received by the Applicant to Lay Over this item to the April meeting.

Ms. Neubauer asked Staff what the reason was for continuous layovers. Mr. Cagnoni responded the Lay Overs were a mutual request from the Applicant and Staff while they actively work together on finalizing information.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the Special Use Permit for a Planned Unit Development consisting of a Women's and Children's Center with a new addition and parking lot and to **LAY OVER** the Variations to decrease required front yard setback along West State Street, North Horsman Street and Mulberry Street to 0 feet for new canopy additions in a C-3, General Commercial Zoning District at 715 West State Street; 120 North Rockton Avenue; and 1XX & 129 North Horsman Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

ZBA 002-14
Applicant
Ward 10

4315 East State Street #3-C

Michael Alberts

Special Use Permit for tattoo shop and retail in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street within the Miracle Mile corridor. Michael Alberts, Applicant, reviewed his request for Special Use Permit. Mr. Alberts stated he has been in the tattoo business for about 17 years. He indicated that it is not his intention to install any “flashing signs” at this corner building.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present. (3) Letters of Objections were received. The Applicant was given copies of the letters of Objection.

Thomas Graceffa, 4777 East Stat Street submitted a letter of Objection, representing the Manhattan Plaza Condominium Unit Owners Association, consisting of both businesses and property owners. His letter stated “We feel that the addition of this type of business will reduce our property values and diminishes the attractiveness for families to use our district for shopping and professional services. The concentration of pawn shops, tattoo parlors, gambling parlors, and taverns is dense enough at present. We feel we are reaching a tipping point which will ultimately result in a loss of taxes for the City of Rockford due to reduced values and dislocation of family-oriented businesses.”

Mark Rouleau, 4777 East State Street, Unit #7 was represented in Mr. Graceffa’s letter and also submitted an individual letter. His letter echoed those concerns mentioned in that of Mr. Graceffa’s.

A letter was received from Susan Murray, 5114 Regents Park Road, President of the Regents Park Homeowners Association. In her letter, Ms. Murray stated “It seems that this area would be negatively affected by adding another low-caliber business, thus ultimately reducing the value of our home properties and other businesses in the area, in addition to reducing taxes to the city.” ...“the \$3 million dollars that the Park District is spending on the adjacent property directly south of the proposed site is another compelling reason the Regents Park Homeowners Association directly opposed authorizing a special use permit for 4315 East State Street.”

Alderman Franklin Beach was present as an Objector. He stated the calls he has received have been in opposition to this Application.

In response, Mr. Alberts asked for clarification on where the location of the Objectors submitting letters were. He felt opposition from a mile or so away would not be affected by his business. He asked if there were any set boundaries where he could open a business without coming before the Board. The Special Use process was explained.

During discussion, Ms. Neubauer and Mr. Magdziarz stated they did not have a problem with a tattoo parlor at this location.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a tattoo shop and retail in a C-2, Limited Commercial Zoning District at 4315 East State Street, #3-C. The Motion was **SECONDED** by Aaron Magdziarz and **FAILED TO CARRY** by a vote of 2-4, with Scott Sanders, Craig Sockwell, Dennis Olson and Dan Roszkowski voting Nay. The Recommendation will move forward as Denial.

ZBA 002-14
Findings of Fact for Denial of a Special Use Permit
For a Tattoo Shop and Retail
In a C-2, Limited Commercial Zoning District at
4315 East State Street #3-C

Denial of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will 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 does not conform to the applicable regulations of the C-2 Zoning District in which it is located.

ZBA 003-14

Applicant
Ward 04

3001 North Perryville Road

Sunil Millennium Capital I, L.P./ Atty. Tim Muldowney

Special Use Permit for a drive-through for an existing coffee shop (restaurant) in a C-2, Limited Commercial Zoning District

The subject property is located on the north east corner of North Perryville Road and Olde Creek Road and is currently a shopping center. The application is for one of the existing seven tenant spaces and is located at the northeast end of the building, closer to North Perryville Road. Bharat Puri and Attorney Tim Muldowney were present. Mr. Puri reviewed the request. He explained the property is in front of the Woodman's grocery store. An aerial view was presented by the Applicant. Mr. Puri explained that Starbucks stores are going away from café locations. In cities such as Rockford they are looking to establish drive throughs because this is a large percentage of their business. The drive through is located on the north side. Mr. Puri explained that it generally is a 30 second process from ordering thru pick up.

Ms. Neubauer was uncomfortable with the amount of stacking. Mr. Cagnoni stated in this particular situation, it is not feasible to widen the area; however, Tim Morris, Fire Department, stated he did not feel there would be a problem from an access point of view.

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

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-through for an existing coffee shop (restaurant) in a C-2, Limited Commercial Zoning District at 3001 North Perryville

Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-1 with Neubauer voting Nay.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. The drive-through and drive-through window must be developed in accordance with Exhibits D and F.
3. If the use of coffee shop (restaurant) is discontinued, the new proposal must be evaluated prior to establishing the new use and may require modification of the Special Use Permit.
4. Must obtain separate permits for signage and in accordance with submitted sign elevations.

ZBA 003-14
Findings of Fact for Approval of a Special Use Permit
For a Drive-Through for an Existing Coffee Shop (Restaurant)
In a C-2, Limited Commercial Zoning District at
3001 North 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 Zoning District in which it is located.

ZBA 004-14

Applicant
Ward 01

617 & 653 Featherstone Road

JTJ, LLC / Marifran Georgis

Special Use Permit for a Planned Unit Development consisting of twenty-eight (28) residential units in a C-1, Limited Office Zoning District

A request was received by the Applicant to Lay Over this item to the April meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the Special Use Permit for a Planned Unit Development consisting of twenty-eight (28) residential units in a C-1, Limited Office Zoning District at 617 & 653 Featherstone Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

ZBA 005-14
Applicant
Ward 07

1615 Kilburn
Bryce & Denise Andrus
Special Use Permit for an auto body shop in an I-1, Light Industrial Zoning District

The subject property is located on the east side of Kilburn Avenue, approximately 430 feet north of Auburn Street. Bryce & Denise Andrus, Applicants, were present. Ms. Andrus stated they have 3 sons who are also body shop mechanics and they wish to open a family business. She stated there are at least 12 parking spots. This does not including parking within the building. Mr. Andrus stated there are already four or five body shops on Kilburn Avenue. She stated Thaddeus Mack, Sr. Building Inspector, came out to inspect the property for the proposed use and stated he did not feel there was a problem but indicated that the Applicants would need to discuss parking with Zoning Staff. The Applicant's provided a photo taken of the property showing parking availability. Mr. Andrus stated he was told that for one working stall they would need to have 6 parking spaces for customers. There will only be one service bay.

Alicia Neubauer reiterated staff report that a revised site plan be submitted. The Applicant's understood the request and stated whatever needs to be done they would want to comply.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

Mr. Sanders felt clustering like uses was not necessarily a concern to him. Mr. Cagnoni stated if the service bays were reduced to one, he was not certain whether or not Staff would change their recommendation. He further stated that the fact that there are other auto repair facilities in the area did not have much of an influence on their recommendation for Denial. Typically when Staff looks at auto repair there are conditions that they look at that were addressed in the report, such as outside storage of automobiles needing repair. Mr. Sanders stated he was not inclined to approve based on the information submitted. Ms. Neubauer asked how the Board felt about a layover. Mr. Roszkowski stated he was not necessarily opposed to the use at this location, but rather that it was not well thought out yet. Even with a resubmittal of drawings, there is no guarantee that this application would be approved.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Special Use Permit for an auto body shop in an I-1, Light Industrial Zoning District at 1615 Kilburn. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

ZBA 006-14
Applicant
Ward 03

1710 Rural Street
Attorney Charles J. Prorok
Variation to reduce the required parking from 81 parking spaces to 54 parking spaces in a C-2, Limited Office Zoning District

The subject property is located 180 feet east of the Prospect Street, Guilford Road, and Rural Street intersection. Attorney Charles J. Prorok was present and reviewed the Applicant's request. The Applicant is the owner of the property. The strip mall has a vacant space with a proposed use of a bar and this application for parking Variation is to meet parking requirements. Currently the tenants of 1710 Rural are a barber shop, a nail salon, a dog groomer, the management office, Lydia's Café, Primo's Pizza Parlor and Sugar Jones Cupcakes. Lydia's Café' closes at 1:00 PM and the proposed bar does not open until 2:00 PM. Attorney Prorok stated Premo's Pizza is mostly take out.

Attorney Prorok stated the Applicants have reviewed Staff recommendations for Approval and are in agreement. Scott Sanders asked what, if any, provisions have been made for snow removal. Attorney Prorok responded the snow is not stored in an area that blocks a parking space. He stated he had not

observed any parking spaces that have been covered up by snow. At one occasion during the winter snow was removed from the site.

Staff Recommendation is for Approval with (5) conditions.

Objectors or Interested Parties were present. Letters for both Objection and Support were received prior to the meeting and were included in the Staff Report.

Objectors

Frank Schmitt, 2906 Rural Street, stated he lives approximately 1 mile away from the proposed site. He is representing Ken Becker who is adjacent at 728 North Gardiner as well. Mr. Schmitt feels there is not enough parking at this time for the existing businesses. He asked the Board to define daytime or nighttime uses as stated in Staff condition 3). He feels there needs to be of a specific time frame using actual times. He further stated parking has initially been reduced down to 80% and is now requested to be reduced down to 60+/- percent of original requirements. He explained his experience is that on Sunday mornings it is difficult to get a parking space. Mr. Schmitt felt the conditions recommended by Staff are not consistent. There is also a conflict between which unit number is Lydia's and which is the proposed Rural on Tap. Mr. Schmitt reviewed the Findings of Fact attached to Staff Report. He further expressed concern with noise filtering into the neighborhood. He discussed the five point stop intersection and the nearness of drives and entry/exit access points. He stated delivery trucks for Lydia's now block Mr. Becker's drive. There was a concern with traffic going in and out at various times causing congestion and safety issues at the intersections. There is also concern with the possibility of customers parking on the street. Regarding snow removal, Mr. Schmitt brought attention to a photo in Staff report that was submitted by Objectors showing delivery trucks during the day with snow obstructing parking spaces. He further stated this past week people were then removing piles of snow that were obstructing the parking lot prior to this item coming before the Board. He felt the use of a bar was never intended to go into this plaza. He asked if the Board felt that they could not deny the request that it be Laid Over again until all items are clarified. If approved, he asked that all of the improvements specified in Staff conditions be completed prior to allowing the proposed bar to open.

Dick Warner, 1706 Rural, stated his business has seminars in the evening and by appointment. He is concerned that overflow parking will affect his client's ability to park in front of his business.

Saulius Ploplys, 1633 Arlington Avenue, wished to clarify that Staff report listed the property as being 12.66 acres but it is actually less than an acre. He stated currently almost all of the businesses have a steady flow of customers who do not stay for long periods of time so parking worked. The proposed use of the bar is a different situation, with more customers for longer periods of time, and a slow turnover of parking spaces. If the bar has an audience style seating arranged for special events there will be more parking spaces taken up. He is concerned with overflow parking on Gardiner and residential streets. Mr. Ploplys also reviewed the Findings of Fact for Variations. He was concerned that the proposed bar security suggests that the bar will attract a bad element.

Marie Schneeman, 1024 Parkwood Avenue, stated she felt the parking area was already inadequate. Parking is tight, especially when there are delivery trucks. She also expressed concern with overflow parking. She reiterated the previously mentioned parking issues.

John Gradick, 428 North Chicago Avenue. stated he has lived at this location for the past 11 years. He does not understand why Rockford's "answer to everything is to put in a bar". There is no guarantee that the type of clientele the proposed bar owner is seeking will be the element he actually gets. He felt there are many other options in better locations for the proposed bar to consider. He does not feel the proposed use would make the neighborhood safer. He feels putting a bar at this location will cause more problems than what it is worth to the owner. He feels this is a "wrong idea".

Brad Walsh, 1728-30 Rural stated his tenants have told him they are not in favor of a bar at this location. He is concerned with the bar going from an upscale clientele to the \$2 a beer clientele.

Pat Curran, 641 Paris spoke as an Objector. He stated there appears to be a “generation gap”. He stated there are the “old folks” who built up the neighborhood and he is one of them. He stated it is not a bad idea to look into the future when a new proposal comes around. He feels once the bar is open it is easier to “change the rules”. The proposal at this time is upscale and caters to young professionals. He stated his feeling that the young professionals are going to be working in the afternoon. It was his opinion that because they are not going to have games or serve food, consideration needs to be given to how many beers will need to be served to make payments on their investment. Mr. Curran further stated he feels this alters the integrity of the neighborhood. He does not understand how the numbers are going to work as far as the Applicants getting a return on their investment.

Sherwood Anderson, 2663 Melody Lane He discussed the establishment of the “Top of the Rock” upscale bar. Over the years it was on a downslope and the owners did not renew their lease. He stated it started out on a positive note but did not follow that direction.

Dan Webber, 1016 Parkwood Avenue. Mr. Webber stated he is disappointed in the Zoning Board, stating “we were suppose to be here for the parking and we got off on the bar”. He said a few weeks back there was gang activity in the area. He stated the gas station closes at 10:00 PM. He is concerned with people drinking more than they should and then driving in his community.

Ken Becker, 728 North Gardiner stated he has lived in the area since 1971. He stated he is in the “impact area”. He stated “liquor is liquor” and no matter how well the inside noise is controlled, the outside noise cannot be controlled. He questioned how the owners will make it without slots. He stated they have never had this extreme use in the neighborhood. He would like to see the City concentrate on more jobs and less bars.

Alderman Frank Beach stated he is aware that the Board takes their job very seriously. He explained he is not the alderman of this ward. He discussed two of the bars that were in his ward and his experience with problematic bars. He feels if the proposed bar does not make it, then they will be forced to make a change.

David Conover, 137 Smith Avenue stated in the 1960’s he worked in two different bars, one of which was in the county. He told a story about his experience with the bar in the county with a drunken patron. It was his desire to explain what happens with individuals drinking alcohol. He stated that alcohol does not bring culture to a neighborhood.

Supporters

A letter of Support was received by Jamie Getchius, 1920 Hawthorne Avenue, stating he was unable to attend the meeting due to a previous commitment. His letter stated he and his wife “frequently walk to Lydia’s on a nice day”. “I support the (liquor) license application for Rural on Tap and the associated application for a Variance to the Zoning Board”. “My neighbors and I would love to have a place we could walk to, enjoy a beer or two after work, and go home without all of the hoopla of going downtown. As both a resident who lives three blocks from the mall and an Alderman who must take a broader view, I feel that Rural on Tap is a good fit for the neighborhood”.

Gary Carlson, 1631 Rural Street (business) was present as a Supporter. Mr. Carlson stated he has either lived or worked in this neighborhood his entire life. He feels this is a good location for a neighborhood bar. He stated the previous owners had difficulty renting the spaces. Since the new owner purchased the property, they have upgraded their tenants. He feels the proposed bar would be a good addition. He stated there are times when the parking lot gets crowded but it has always worked out.

Andy Kwiatkowski, 3002 E. State Street, was present as a Supporter. He stated he has a vested interest in the neighborhood, particular this shopping center. There is a grocery store open 7 days a week, and a gas station with car doors slamming all day. He does not feel this is a big issue. He stated there was not

a parking lot in town that did not have snow problems this winter with the extreme amount of snow we had. He stated he frequents Lydia's every weekend for 14 years and has seen the improvements made over the passing of time. He feels the proposed bar will be huge for the neighborhood. Several of the patrons will be walking to the location as well. It is his feeling that the City needs to keep the young people in town with this type of use.

David Spencer, 2406 Brendenwood Road was present as a Supporter. Mr. Spencer stated he goes by this shopping center 4 or 5 times a day and it is never the "nightmare" of parking problems as suggested by previous objectors. He stated one of their main focus is to have a better city.

Linda Dennis, 921 Parkwood Avenue spoke in support of the Variation. She stated she and her husband are very familiar with this area. She feels strongly that there have been so many improvements that we need to look at what has occurred. She lives about 6 blocks away from the bar and does not feel it would cause problems in the neighborhood.

David Eaves and Travis Holmes, 220 North Prospect spoke in support as well. Mr. Eaves stated he is in favor of the proposed use and the neighborhood needs it. Mr. Holmes also spoke in support and has seen some good uses go into the shopping center. Mr. Eaves further stated there are plenty of people in the neighborhood who will pay extra for an upscale bar.

Leslie Smith, 544 North Chicago was present in support. Ms. Smith stated she is "totally for" the bar. She stated she may have a hard time once in a while getting a seat at Lydia's, but never a problem finding a parking space. She generally walks to the shopping center and the grocery store and frequents the shops there. She wants to be a part of this community and says this is the new Rockford.

Aaron Burke, 535 North Chicago stated he and he wife lived near this location for many years. This mall is a block from his home and he supports the application.

Charles Bloom, 1421 Greenmount, stated the proposed bar would be a great thing to have in the neighborhood, and feels it also would attract golfers from Sinnissippi. He feels this would add to the neighborhood.

Gary Gordon, 2007 Guilford lives about two blocks from the Applicant's property. He stated the owners of the property feel the establishment of a bar would help them stay liable and supports the proposed bar and parking variation.

Alderman Thomas McNamara is the Alderman of the Ward. He spoke of the neighborhood meeting held with the Applicants of the proposed bar and the neighborhood. He further indicated he received well over 120 phone calls. He stated he is in favor of this establishment. He asked the Board to look at what the owners of the strip center have done. He stated we owe a great deal of credit to the property owners for taking out the tobacco shop that was problematic and also for financially helping Lydia's expand. He feels they deserve an opportunity for this project and supports their current plan. He stated the number one concern of the objectors at first was slots – the applicants took out slots. The other concern was noise – the Applicants removed bands and DJs from their proposal. He stated the proposed bar owners listened to the community and responded and they deserve the opportunity to establish a business at this location.

Robert Goldbeck, 821 Parkwood Avenue stated he is new to Rockford, but his girlfriend and her family have been here long term. As far as "extreme use" on a property, he does not feel any of those opinions for or against have no place here. He stated it comes down to the Ordinance that has to be followed. He further stated there should not be a denial.

Interested Parties

Michael Kalodimos, 724 North Highland, stated he lives two blocks from the proposed establishment. His main concern is that he does not understand how the parking got reduced in the first place. He wishes

the proposed bar success if it passes, but feels it is going to compound the parking situation they now have.

In response, Attorney Prorok stated he is asking the Board to approve the Variation for parking with Staff recommended conditions.

During discussion, Ms. Neubauer asked if there was a timeline for parking lot improvements. Mr. Cagnoni reiterated staff conditions recommended a completion date of October 1, 2014.

Mr. Sanders stated this application has proven how an applicant has made an effort to work with the community and Staff. Mr. Cagnoni stated condition 3 could be removed in its entirety, and suggested amendments to conditions 4 and 5 regarding unit numbers and specific exhibits as in the staff report.

Mr. Sanders stated he is a ten year patron of the neighborhood and a patron of Lydia's and in his opinion there is no conflict with the parking needs because of the hours of operation. He asked if snow removal needs to be addressed. Mr. Cagnoni stated there will be winters such as this when there needs to be proactive maintenance by the property owners.

A **MOTION** was made by Scott Sanders to **APPROVE** the Variation to reduce the required parking from 81 parking spaces to 54 parking spaces in a C-2, Limited Office Zoning District at 1710 Rural Street with removal of condition 3 and revision to now conditions 3 & 4. 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. Meet all applicable Building and Fire Codes.
2. That the site must develop in accordance with Exhibits D and E, and as approved by Staff. The improvements shall be completed no later than October 1, 2014.
3. Any change of use or change in the business operation of the proposed tenant space as shown and identified on exhibit I will require review by the Zoning Officer and approval by the Zoning Officer.
4. The hours of operation for the tenant space #3 (Lydia's Café) and tenant space #4 (Rural on Tap) shall not conflict and must be in accordance with Exhibit I, as approved by Staff.

ZBA 006-14
Findings of Fact for Approval of a Variation
To Reduce the Required Parking
From 81 Parking Spaces to 54 Parking Spaces
In a C-2, Limited Commercial Zoning District at
1710 Rural Street

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 007-14

Applicant
Ward 12

2511 N. Main Street & 2601 North Main Street

City of Rockford / Matt Vitner

- (A) **Variation** to reduce the required perimeter landscape strip from ten (10) feet to zero (0) feet
- (B) **Variation** to reduce the required parking spaces from 57 to 51 parking spaces in a C-2, Limited Commercial Zoning District

The subject property is located on the east side of North Main Street and is "Pino's Pizza". Due to IDOT's improvements and widening of North Main Street, a portion of the Applicant's property along both street frontages will be affected. Matthew Vitner, City Engineer, explained the City is working with IDOT to procure land as they widen North Main. We are also working with businesses to help them maintain landscaping and parking without creating a hardship to the existing parcel.

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

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the (A) Variation to reduce the required perimeter landscape strip from ten (10) feet to zero (0) feet and to **APPROVE** the (B) Variation to reduce the required parking spaces from 57 to 51 parking spaces in a C-2, Limited Commercial Zoning District at 2511 North Main Street & 2601 North Main Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
2. Replacement of freestanding sign must be a landmark style sign 64 square feet and 8 feet in height.

ZBA 007-14
Findings of Fact for Approval of a Variation
To Reduce the Required Perimeter Landscape Strip
From 10' to 0'
In a C-2, Limited Commercial Zoning District at
2511, 2601 North Main Street

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 007-14
Findings of Fact for Approval of a Variation
To Reduce the Required Parking Spaces
From 57 to 51 Parking Spaces
In A C-2, Limited Commercial Zoning District at
2511, 2601 N. Main Street

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 008-14

Applicant
Ward 05

802 Marchesano

City of Rockford / Todd Cagnoni

Zoning Map Amendment from C-3, General Commercial Zoning District to C-2, Limited Commercial Zoning District

The subject property is located on the south side of Marchesano Drive, east of Clifton Avenue and west of West Street. Todd Cagnoni, (Director) of Community and Economic Development Department reviewed the request. It is the intent of the City to demolish the existing building and construct a new fire station.

Staff recommendation was for Approval.

A **MOTION** was made by Scott Sanders to **APPROVE** the Zoning Map Amendment from C-3, General Commercial Zoning District to C-2, Limited Commercial Zoning District at 802 Marchesano. The Motion was **SECONDED** by Craig Sanders and **CARRIED** by a vote of 6-0.

ZBA 008-14
Findings of Fact for Approval of a Zoning Map Amendment
From C-3, General Commercial Zoning District
To C-2, Limited Commercial Zoning District at
802 Marchesano Drive

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.

With no further business to come before the Board, the meeting was adjourned at 8:20 PM.

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