



ZONING BOARD OF APPEALS
Tuesday, September 16, 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: Alicia Neubauer
Dan Roszkowski
Scott Sanders
Craig Sockwell

Absent: Aaron Magdziarz

Staff: Todd Cagnoni – Director, Community & Economic Development Dept.
Scott Capovilla – Zoning and Land Use Administrator
Officer Don Dulga – Rockford Police Department
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Marcy Leach – Public Works
Lafakeria Vaughn - Assistant City Attorney

Others: 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, September 29, 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 Scott Sanders to **APPROVE** the minutes of the August meeting. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz absent.

ZBA 033-14
Applicant
Ward w/b 14

5208 Sherwood Forest Road

SJEC, LLC / Scott Adkins

Zoning Map Amendment from County AG to I-1, Light Industrial Zoning District
Variation to waive interior landscaping for the future parking lot
Laid Over and Revised from August meeting

The subject property consists of 5.04 acres currently located in Winnebago County, approximately 250 feet west of the American Road and Sherwood Forest Road intersection. There is a single-family residence located on the property. Scott Adkins and Attorney Jim Rodriguez were present. Attorney Rodriguez presented this application. The Applicant wishes to use a portion of the parcel for overflow parking. The plan is to demolish the existing single-family home. Attorney Rodriguez stated the use of I-1 will fit into the character of the surrounding properties. He further explained that the Variation is because landscape islands, if required, would create a hardship due to the size of recreational vehicles – 40 to 60 feet long - that would be moved around the parking lot. They are proposing landscaping along the north edge of the parking lot. The property is heavily wooded and the intent is to preserve some of the trees. There will be no entrance on Sherwood Forest Road. The parking lot will be paved. Marcy Leach stated the Applicant will need to provide a detention plan for the parking lot.

Staff Recommendation is for Approval of both requests with (5) conditions. No Objectors or Interested Parties were present.

Mr. Sanders stated he was comfortable with approval of this application, understanding the need for Variation to interior landscaping.

A **MOTION** was made by Scott Sanders to **APPROVE** the Zoning Map Amendment from County AG to I-1, Light Industrial Zoning District; and to **APPROVE** the Variation to waive interior landscaping for the future parking lot at 5208 Sherwood Forest Road with the added amendment to condition 2 to include detention for the parking lot. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. Submittal of a civil plan including detention plan for the parking lot and parking lot permit for Staff review and approval.
3. A photometric plan shall be submitted for review and approval by Staff.
4. Submittal of a Tree Preservation Plan and Tree Survey for Staff review and approval.
5. A Tentative Plant must be approved and a Final Plat recorded prior to the construction of any buildings on subject property.

ZBA 033-14
Findings of Fact for Approval of a Zoning Map Amendment
From County AG to I-1, Light Industrial Zoning District at
5208 Sherwood Forest 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 IG, General Industry.

ZBA 033-14
Findings of Fact for Approval of a Variation
To Waive Interior Landscaping for the Future Parking Lot
In a I-1, Light Industrial Zoning District
5208 Sherwood Forest 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 034-14

Applicant
Ward 10

5410 and 5456 East State Street

Dale Nelson / Drinc, Inc.

Special Use Permit for a restaurant, bar and grill and nightclub in a C-3, General Commercial Zoning District
Laid Over from August meeting

This item will be Laid Over to the October 21st meeting per the Applicant's request.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the Special Use Permit for a restaurant, bar and grill and nightclub in a C-3, General Commercial Zoning District at 5410 and 5456 East State Street to the October 21st meeting. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-0.

ZBA 038-14

Applicant
Ward 11

2000 Harrison Avenue

John Wierman

Variation for landscaping per the submitted site plan

Variation to reduce the required front yard setback from 30 feet to 26 feet along Harrison Avenue for a gas canopy in an I-1, Light Industrial Zoning District

The subject property is located north of the Harrison Avenue and Sewell Street intersection. Neither Applicant nor Representative were present. Scott Capovilla, Zoning and Land Use Administrator, reviewed the Applicant's request. This property is a gas station and convenience store. The property will be reduced in size because of the reconstruction and widening of Harrison Avenue by the City and IDOT. This reduction creates a need to re-evaluate landscaping, setbacks and parking spaces. Mr. Capovilla stated Staff felt this was a good plan and would fit well with this area of Harrison Avenue. There is landscaping proposed, which is an improvement because the property has no landscaping at this time.

Staff Recommendation is for Approval of both requests with (6) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation for landscaping per the submitted site plan and to **APPROVE** the Variation to reduce the required front yard setback from 30 feet to 26 feet along Harrison Avenue for a gas canopy in an I-1, Light Industrial Zoning District at 2000 Harrison Avenue. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of a dumpster detail and rendering for Staff's review and approval.
3. Must develop site in accordance with site and landscaping plans Exhibit D as approved by Staff.
4. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
5. Must obtain separate permits for signage and sign must be in accordance with the Sign Ordinance.
6. All conditions must be met prior to establishment of use.

ZBA 038-14
Findings of Fact for Approval of a Variation
For Landscaping Per the Submitted Site Plan
In an I-1, Light Industrial Zoning District at
2000 Harrison 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.

ZBA 038-14
Findings of Fact for Approval of a Variation
To Decrease the Required Front Yard Setback
From 30 Feet to 26 Feet Along Harrison Avenue
For a Gas Canopy
In an I-1, Light Industrial Zoning District at
2000 Harrison 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 5:56 PM.

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