

**ZONING BOARD OF APPEALS**  
**Tuesday March 15, 2011**  
**6:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Present:**

**ZBA Members:** Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders  
Craig Sockwell

**Absent:** Julio Salgado

**Staff:** Jennifer Cacciapaglia – City Attorney  
Todd Cagnoni, Deputy Director - Construction Services Division  
Mark Marinaro, Fire Dept  
Marcy Leach – Public Works

**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 representatives 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 supporters and then objectors. 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 Liquor Advisory Board 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 28, 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 that 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 is listed on the agenda as well.

The meeting was called to order at 7:02 P.M. A **MOTION** was made by Dennis Olson to **APPROVE** the minutes of the February 15, 2010 meeting as submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

**ZBA 045-10**  
Applicant  
Ward 03

**220 S. Madison Street, 323 Walnut & 307 Walnut**  
Madison Street Properties LLC  
**Zoning Map Amendment** from R-2, Two-family  
Residential District to C-4, Urban Mixed-Use District  
**Laid Over from January & February meeting**

The applicant is requesting a Special Use Permit for a Planned Unit Development (final) for a mixed use commercial development in the R-2, Two-family Residential District. The property is located south of Walnut Street, east of S. Madison Street, north of Oak Street and west of S. 1<sup>st</sup> Street. Matthew Marshall, Gen. Manager of an LLC representing Madison Street Properties, reviewed the request. Mr. Olson expressed concern that the applicant was not present. Mr. Cagnoni stated it has been requested that LAB items require the applicant to attend, but we have not expanded that requirement to the Zoning Board applicants. Mr. Cagnoni explained that this item was laid over previously because this property is in a Historic District and it was required to go before the Historic Preservation Commission. The HPC recommended approval, excluding a full service grocery store.

Staff recommendation was for approval with two conditions.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the request for a Special Use Permit for a Planned Unit Development for a mixed use commercial development in the R-2, Two-family Residential District subject to the following conditions and findings of fact. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

1. That the uses within the building are limited to these listed on Exhibit D.
2. Prior to the establishment of any use a certificate of zoning compliance is required.

**ZBA 002-11**  
Applicant  
Ward 10

**1311 South Alpine Road**  
Lamar Advertising  
**Special Use Permit** for the modification of an existing legally nonconforming billboard to an electronic display billboard in a C-3, General Commercial Zoning District

The applicant is request a Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-3, General Commercial Zoning District. The subject property is located on the southwest corner of Center Terrace and South Alpine Road. Anthony Hickey, representing Lamar Advertising, was present. Wish to remove five billboards and replace with a 10' high x 36' wide electronic sign.

Mr. Sanders stated he felt these type of signs were "irritating" and unbelievably bright. Mr. Hickey stated the billboard is self adjusting between day and night. He explained this billboard will change but will not scroll and flash. Mr. Cagnoni explained that there are requirements in place for bright level limitations for day and night. Mr. Sanders would like to see an addition that the sign be monitored and calibrated on a regular basis to be certain the levels are maintained. Mr. Cagnoni stated in the past, if there has ever been an issue with conformance Lamar has acted quickly to bring into compliance, as was the case with a sign that had an operation failure.

Staff recommendation was for approval with six conditions.

A **MOTION** was made by Dennis Olson to **APPROVE** the Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic display billboard in a C-3, General Commercial District. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

1. Meet all Building and Fire Codes.
2. An Agreement shall be made that all five (5) billboards will be removed as part of permitting proposed billboard.
3. Submittal of Building Permit for Staff review and approval.
4. That the billboard shall remain a non-conforming billboard.
5. That the billboard operates in conformance with the sign regulations for electronic graphic display signs.
6. Submittal of a detailed landscape plan to include the type of species to be planted in accordance with the required landscaping for a free standing sign for Staff's review and approval.

A **MOTION** was made by Aaron Magdziarz to **LAY** over item ZBA 004-11 to the April 2011 ZBA meeting. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

**ZBA 003-11**                      **110 North 1<sup>st</sup> Street**  
Applicant                      Eric & Chasity Kerley  
Ward 03                         **Special Use Permit** for body art services consisting of tattooing in a C-4, Urban Mixed-Use Zoning District

The applicant is requesting a Special Use Permit for body art services consisting of tattooing in a C-4, Urban Mixed-Use Zoning District. The subject property located 180 feet north of 1<sup>st</sup> Street and East State Street intersection. The Applicants, Eric & Chasity Kerley, were present. Mr. Kerley reviewed the request for a tattoo shop, "Just Tats". He stated he will be the only artist for the first year or two. He verified that he is in Suite A of the building. Mr. Kerley stated he is completely self-taught. Mr. Sanders asked what the process was for health inspection. Mrs. Kerley stated the State does an inspection. Mrs. Kerley stated there is a shop next to the one they propose and felt the downtown area could be known as the place to come for tattoos. Mr. Kerley clarified that they will not be doing any body piercings.

Staff recommendation was for approval with five conditions. No objectors or interested parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for body art services consisting of tattooing in a C-4, Urban Mixed-Use Zoning District. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 5-1 with Scott Sanders voting Nay.

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff review and approval.
3. The hours of operation and days will be limited to 10:00 a.m. to 11:00 p.m. Monday through Wednesday.
4. The hours of operation and days will be limited to 10:00 a.m. to 11:00 p.m. Thursday through Saturday.
5. The hours of operation and days will be limited to 10:00 a.m. to 6:00 p.m. Sunday.

**ZBA 005-11**                      **1401 North Bell School Road**  
Applicant                      Ringland Johnson Construction  
Ward 01                         **Zoning Map Amendment** from R-1, Single-family Residential District to C-1, Limited Office District **Special Use Permit** to allow a roof mounted wind turbines as shown in exhibits up to approximately 50 feet above grade and a **Variation** to allow additional building signage as shown on the attached exhibits in a C-1, Limited Office District

The applicant is requesting a Zoning Map Amendment from R-1, Single family Residential District to C-1, Limited Office District, A Special Use Permit to allow roof mounted wind turbines as shown in the attached exhibits up to approximately 50 feet above grade and a Variation to allow additional building signage as shown on the attached exhibits in a C-1, Limited Office District. The subject property is located on the east side of the intersection of Guilford and N. Bell School Road.

Randy Taylor and Brent Johnson reviewed their request. Mr. Johnson explained the main school drive will remain. Placement of the wind turbines were shown. The height of the turbines are approximately 19 foot tall, and the blades are approximately 4-5 feet tall. These are more to demonstrate the uses and explain the engineering of these wind turbines to the students.

Staff recommendation was for approval with three conditions. No Objectors or interested parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** a Zoning Map Amendment from R-1, Single family Residential District to C-1, Limited Office District, A Special Use Permit to allow roof mounted wind turbines as shown in the attached exhibits up to approximately 50 feet above grade and a Variation to allow additional building signage as shown on the attached exhibits in a C-1, Limited Office District. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

1. Meeting all applicable building and fire codes.
2. Submittal of revised landscape plan including existing landscaping and proposed.
3. Parking lots and spaces are prohibited from being established off the fire/emergency access point which is north of the building and connected to North Bell School Road.

**ZBA 006-11**  
Applicant  
Ward 01

**6957 Olde Creek Road**

Kim Bukovsky

**Variation** to allow a 2<sup>nd</sup> wall sign on the east elevation above the first floor on building (1) one in a C-1, Limited Office Zoning District

The subject property is located south of the southwest corner of Olde Creek Road and Perryville Road known as A Perryville Place. The applicant is requesting a variation to allow a 2<sup>nd</sup> wall sign on the east elevation above the first floor on building one. This property received a variation to increase the maximum height of wall signs from 35 feet to a maximum of 56 feet on January 28, 2008, subject to 6 conditions as follows:

1. Wall signs the 1<sup>st</sup> floor shall only be located on the east elevation, with logo only signage on the north and south elevation
2. The maximum square footage for each individual sign above the 1<sup>st</sup> floor shall be 150 square feet for buildings #1, 2, 4 and 225 square feet for building #3
3. The maximum number of wall signs above the 1<sup>st</sup> floor shall be one for building #3 (facing east), two for building #2 ((both facing east including one proposed the existing logo sign), two for building #1 (one facing east and one facing north), and two for building #4 (one facing east and one facing south)
4. The gross surface area in square feet of all business signs, inclusive of wall signs or free-standing signs, on the subject property shall not exceed three times the lineal feet of street frontage, which is 1,691.46 square feet
5. That the existing sign located in the parking lot may remain as currently exists
6. That a new free standing sign may be installed along Perryville Road provided the existing monument sign is removed and that the sign is in substantial conformance with the sign elevation submitted and dated 1/8/08 and does not exceed 25 feet in height.

These conditions would remain in place should the current request for a 2<sup>nd</sup> wall sign be approved.

Kim Bukovsky, Applicant, reviewed the request for Variation. Mr. Roszkowski asked if the applicant was aware that this item was brought the Board twice before and was not approved. Ms. Bukovsky stated she was aware, but also that it was not denied but was tabled. Ms. Neubauer stated what the Board had indicated in the past is that they wished to see an overall plan for the buildings which are actually constructed to appear as 4 buildings. Mr. Sanders stated the building owner has been asked to provide signage location and sizes for all tenants across the façade and this has not been received as yet.

Staff Recommendation is for Approval subject to 3 conditions. No objectors were present. One Supporter was present.

Alderman Tim Durkee, was present as Alderman of this ward. He feels the developer is not interested in cluttering up the building with signs. He also stated he feels this fits in with the City's plan for this corridor and expressed his support for this application.

Mr. Sanders stated he is not happy that the Board is not getting a sign layout as requested. He feels frustrated with the lack of willingness from the owner to provide this sign layout. Mr. Cagnoni stated when this property was under the pre-annexation agreement, the signage Ordinance was not the existing Ordinance. The Pre-annexation Agreement has since lapsed. It has been that there could be 1 sign above the first floor on each building with the exception of signs facing north and south. Mr. Sanders asked if approving this request would open the door to future requests for additional signs on other locations on the buildings. Mr. Cagnoni stated he could not answer this but is aware that the owner is trying to entice tenants and at this point it is unknown what the tenant spaces would be. In his conversation with the property owner, it was his understanding that additional signage was part of the lease agreement and whether this would cause the potential tenant to withdraw.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow a 2<sup>nd</sup> wall sign on the east elevation above the first floor on building (1) in a C-1, Limited Office Zoning District at 6957 Olde Creek Road. The Motion was **SECONDED** by Dennis Olson and **FAILED TO CARRY** by a vote of 3-3 Nay – Neubauer, Magdziarz, and Roszkowski.

**ZBA 007-11**  
Applicant  
Ward 01

**685 Featherstone Road**

Persevere 685 LLC

**Special Use Permit** for a Planned Unit Development for two (2) office buildings and a **Variation** to omit a landscape type "A" buffer on the North and South sides of property and a **Variation** to allow an Off-site signage rights for easterly lot following re-platting of property into two lots with signage not to exceed sixty-four (64) square feet per side in a C-1, Limited Office District

The subject property is located on the east side of Featherstone Road and is currently an office building. The subject property was part of an annexation that occurred in 1988. Approximately 150 acres were part of this agreement to zone 70 acres as R-7 that would have allowed office use within the zoning district. The other 80 acres were zoned R-4 to allow multi-family zoning however the zoning was changed for all of it to be R-7 and allow office and medical uses. There were some signage restrictions and building height restrictions. Recently this annexation expired and future development will have to comply with the current Zoning Ordinance. The subject property was developed as one building on an acre and the lot was developed with one (1) building and parking. Attorney Bruce Ross-Shannon; George Ralph, owner; and Scott Hill, architect were present. Mr. Ralph reviewed the requests. A site plan of the existing and proposed building, landscaping buffers. The east property line will be maintained, but requested the variation to the North and South sides. A second building could be constructed without the SUP and Variations; however it would not be the best use of the property according to Attorney Ross-Shannon. Parking would be 80' west of the residential area with this proposed layout. Access will not be from the residential area. Mr. Ralph stated the height of the proposed building would be on a residential scale and approximately 2 feet lower than the present building. There will be a type "A" buffer with dense vegetation, various plants.

Staff Recommendation is for Approval of all items, subject to 3 conditions. No Objectors or interested parties were present.

A **MOTION** was made by Dennis Olson to **APPROVE** the Special Use Permit for a Planned Unit Development for two (2) office buildings and a Variation to omit a landscape type "A" buffer on the North and South sides of property and a Variation to allow an Off-site signage rights for easterly lot following re-platting of property into two lots with signage not to exceed sixty-four (64) square feet per side in a C-1, Limited Office District. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0 with Scott Sanders abstaining.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a final plat for Staff's review and approval.
3. Submittal of a sign permit for Staff's review and approval.

**ZBA 008-11**  
Applicant  
Ward 07

**3115 Auburn Street**

Louis & Wilmer Ingram

**Special Use Permit** for motor vehicle repair shop and vehicle storage and towing with outdoor storage in a C-3, Commercial General Zoning District

The subject property is located 570 feet west of the Auburn Street and Kilburn Avenue intersection and is currently a vacant building. The subject property has had several vehicle uses in the past. The department has records of approval of a Special Use Permit for auto repair/auto body shop facility based on several conditions. The property has had several violations in the past mostly for poor upkeep of the property and sign violation. There are currently no established rights for operation of auto repair and towing for the property. Wilmer Ingram and Louis Ingram were present. Mrs. Ingram stated they are now at 1719 West State Street for the past 29 years. The City will be purchasing their current property so they are looking to relocate.

Ms. Neubauer asked Staff if the City helped the Applicant find this parcel. Mr. Cagoni was not aware if that was the case. Ms. Neubauer asked Public Works if there was any concern of this business being so close to Kent Creek. Marcy Leach, Public Works, stated they do not have any concern at this point, but will be working with the Applicant and monitoring to be certain there is no damage to Kent Creek.

Mr. Sanders wished to verify if the Applicants were planning to do more paving to meet condition 5. Mrs. Ingram stated they are planning to do so in the future, but at this time they will not be storing any vehicles on any surface that is not paved. She stated there may be plans for expansion of the building some time in the future.

Staff Recommendation is for Approval subject to 9 conditions. No Objectors of Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for motor vehicle repair shop and vehicle storage and towing with outdoor storage in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all Building and Fire Codes.
2. Submittal of Building Permits for Staff review and approval.
3. Submittal of a parking lot permit application and detailed site plan proposal by a professional engineer for Staff's review and approval.
4. Submittal of a detailed landscape plan to include the type of species to be planted along with curbed landscaping along Auburn Street and around additional interior landscaping for Staff's review and approval.
5. The outdoor storage of vehicles shall be limited to twenty-five (25) vehicles at one time and must be on a hard surface of concrete or asphalt.
6. No outside storage of any auto parts, equipment, or materials.
7. Removal of all gravel and fencing that has encroached onto adjacent property.
8. The gravel that has encroached onto adjacent property must be replaced with topsoil and gravel.
9. All conditions must be met before establishment of motor vehicle repair shop and vehicle storage and towing with outdoor storage uses.

**ZBA 009-11**  
Applicant  
Ward 03

**200 Prairie Street**  
Prairie Street Brewhouse LLC  
**Special Use Permit** for a Banquet Facility in a C-4, Urban Mixed-Use District

The subject property is located east of Rock River, north of Prairie Street. The subject property was constructed in the 1900 as an industrial building. The use was manufacturing of the site for many years. In 2000 the building was purchased with intentions of providing multiple uses within the building including residential. The building consists of six (6) levels, with a river level, a street level and four (4) levels above those. Residential apartments are proposed for the upper levels, with existing commercial uses. The subject property was granted a Special Use Permit for a Planned Mixed-Use Development for a restaurant and convenience store in 2000. A different application was filed for indoor and outdoor with package liquor sales. The package liquor sale was denied but later approved in 2002 in conjunction with a convenience store. The applicant would like to establish a banquet facility as part of a mixed use facility. Within the C-4 District a Special Use Permit would be required to establish the use.

Shawn Kelley, Diane Koch, Christopher Manuel were present. Mr. Kelley reviewed the request. He explained the parking arrangements with Cellusuade and on-street parking. Cellusuade will provide approximately 35 spaces. Mr. Cagnoni stated the parking requirement was looked at differently than most banquet facilities partly because this is a C-4 District which does not have a parking agreement. Attorney Cacciapaglia wished to add a private security company be employed for concerts, DJ events, and for other events where a cover is charged for entry into the establishment.

Staff Recommendation is for approval with 4 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a banquet facility in a C-4, Urban Mixed-Use District at 200 Prairie Street with addition of condition 5. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Compliance of business plan and security plan.
3. Outdoor music shall cease at 11:00 p.m. as indicated in Exhibit J.
4. Submittal of a revised site plan including sidewalk for Riverwalk for staff's review and approval.
5. Private security will be employed for concerts, DJ events, and for other events where a cover is charged for entry into the establishment.

With no further business to come before the Board, A **MOTION** was made by Craig Sockwell to adjourn the meeting. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0. The meeting was adjourned at 8:35 p.m.

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