

ZONING BOARD OF APPEALS
Wednesday, January 18, 2012
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

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

Absent: Aaron Magdziarz

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

Others: Alderman Franklin Beach
Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the 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, January 30, 2012, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that

they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 6:30 PM. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the December meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining and Aaron Magdziarz absent.

ZBA 030-11

Applicant
Ward 10

4231 East State Street

Midwest Title Loan – Attorney John Nelson

Appeal of determination of use classification made by the Zoning Officer that Midwest Title Loan is a categorized as a "Pawn Broker" under the City of Rockford Zoning Ordinance.

This item will be Laid Over to the February meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Appeal of determination of use classification made by the Zoning Officer that Midwest Title Loan is a categorized as a "Pawn Broker" under the City of Rockford Zoning Ordinance for 4231 East State Street to the February 22, 2012 meeting. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

ZBA 045-11

Applicant
Ward 8

2611 Broadway

Robia & Miquel Gongora

Special Use Permit for a hand car wash and detail in a C-4, Urban Mixed-Use Zoning District.

This item will be Laid Over to the February meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a hand car wash and detail in a C-4, Urban Mixed-Use Zoning District at 2611 Broadway to the February 22, 2012 meeting. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

ZBA 050-11

Applicant
Ward 10

315 and 319 Wood Road

Amanda Powers

Variation to expand the concrete driveway 12' wide by 35' length into two properties in the required front yard in an R-1, Single-Family Residential Zoning District.

The subject property is located on the east side of Wood Road, 298 feet north of Eastridge Drive. This application is a result of a violation on both properties. Amanda L. Powers, Applicant, presented her request for Variation. She stated her mother-in-law who lives at this property required the driveway be widened for her ease in using a wheelchair. A portion of the expansion is on property owned by the adjacent owner at 315 Wood Road, Mr. Gary Pickett. Mr. Pickett gave permission for them to connect to his driveway prior to installation and a letter was submitted from him stating such. Ms. Powers stated the contractor was Premier Concrete. They charged her mother-in-law \$10,000, did not get a permit and also poured concrete in the Right-Of-Way. Ms. Powers explained that the neighbors at 315 Wood Road have 8 residents and 6 of them drive. Including the household at 319 Wood Road vehicles, Ms. Powers

understood that with the total number of vehicles it would appear to be a parking lot from the street. Ms. Powers emphasized that the Picketts were kind enough to allow them to increase the size of the driveway due to her mother-in-law's disability and she would not want them to be responsible for any fines that may incur from this action. Ms. Powers further stated they would be agreeable to removing the concrete in the R-O-W if the City requires it. The Board felt the contractor charged the Applicant an unrealistic amount of money for this work and that the contractor would have known the City would not allow a drive of this nature. They asked Ms. Powers if she had planned to report Premier Concrete to the Better Business Bureau. She responded that stated the company where Premier purchased the concrete has not been paid and they will be going after Premier. Ms. Powers again stated they will comply with the City's decision but wished to avoid any fines or problems for the Picketts because of their generosity and kindness in their concern for her mother-in-law.

Ms. Powers stated their driveway was originally so narrow it required the passenger to unload into the mud. If this Variation is denied, Ms. Powers asked Staff if would they be allowed to keep the size as the original site plan submitted. Mr. Cagnoni stated the north end of the driveway would remain, but the south side would need adjustment. She stated Premier will be taking up the concrete in the R-O-W.

Mr. Sanders stated in looking at the property at 315 Wood Road, which belongs to the Picketts, it appears it was overly wide prior to this project. There was some discussion on landscaping. Mr. Sanders felt comfortable with allowing them to remove everything except for a 9' x 20' slab to allow for a parking area and ease in getting in and out of the vehicle. Staff was not certain on the clarity of what Mr. Sanders was proposing to could not verify one way or the other on this suggestion. Mr. Cagnoni stated there is a grade difference between these two lots, sloping slightly towards the Pickett's property.

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

The Board wished to Lay Over this item to allow the Applicant time to work with Staff.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Variation to expand the concrete driveway 12' wide by 35' length into two properties in the required front yard in an R-1, Single-Family Residential Zoning District at 315 and 317 Wood Road. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

ZBA 051-11

Applicant
Ward 10

4100 East State Street

Mobility Connection, Inc
Special Use Permit for passenger vehicle sales (wheel chair accessible vehicles) in a C-3, Commercial General Zoning District.

The subject property is located on the northeast corner of Lynmar and East State Street and is currently a vacant building. The most recent use was known as Tuffy Muffler Center, but has been vacant for several years. Roger Lichty and Charles Baumgartner from Mobility Connection and Kathy Ullrich, Realtor, were present.

Mr. Baumgartner stated it is their desire to establish a business to service handicap accessible vehicles and equipment as well as to sell handicap vehicles on the premises. Mr. Baumgartner stated in the past they have modified vehicles for wheelchair use. They are now required to have a used car dealer's license to sell these vehicles. He emphasized that the only vehicles they will sell will be wheelchair related. They will either build the vehicle themselves, or obtain a vehicle that may need modification for wheelchair use. Mr. Baumgartner explained all advertising is done within their building and not on the vehicles.

Staff Recommendation is for Approval with (6) conditions.

The Applicants asked to modify several of Staff conditions. Regarding condition #4 stating the existing sign must be replaced with a low profile landmark sign, Mr. Baumgartner stated if the sign is required to be changed, they are asking to use the existing electricity that is on the pole. Regarding condition #2, he asked that they not be limited to 5 vehicles at a time. Regarding condition #5, he stated they do have unlicensed vehicles for sale because they use dealer plates. He also asked that the condition #6 concerning overnight storage of vehicles waiting for repair be removed, stating they have clients who drop vehicles off overnight and some take several days for repairs. They also have a courtesy vehicle to offer their customers. Regarding the property to the north, it is Mr. Baumgartner's understanding that this property will not be used.

Mr. Sanders stated the site plan appears to have 14 parking stalls allocated to this property. With courtesy vehicles, customer vehicles, employee vehicles and in addition to vehicles for sale, the parking limitations are not allowing more than 5. Mr. Baumgartner further stated they have 5 employees, each of which will be driving to the site. Mr. Cagnoni stated Staff understands this operation is not a typical car sales business. The intent of overnight vehicles was not intended for sales vehicles or customers dropping off and picking up; however, it did address vehicles being parked overnight for a period of time. Regarding the lot to the North, Mr. Cagnoni stated this application includes both properties. Both would be subject to the site plan submitted and what was ultimately approved. Additional changes would require a plan, demonstrating alternatives to the conditions set by Staff such as proposing more parking if they felt it was needed. Mr. Baumgartner stated he felt they could operate with Staff's conditions at this time, but it may not allow for expansion in the future. The Board felt if additional vehicle display was required they could provide additional stalls on the north area with an adequate supply of pavement. Mr. Cagnoni agreed that they could add such parking stalls with Staff approval without coming back before the Board for Modification of the Special Use Permit.

No Objectors were present. One Interested Party was present.

Jennifer Hall, representing the Miracle Mile stated they felt this business would be a welcome addition to the neighborhood. She stated they are concerned for signage and that any changes to the façade be within the design guidelines of the neighborhood. She also pointed out that there are buses that stop in this area and at times they could have two buses in that location at the same time.

In response, Mr. Baumgartner stated they do plan to make changes to the façade. Mr. Cagnoni stated the design of the building was taken into consideration when the report was prepared but they did not have a copy of the elevation that was presented this evening. The elevation presented will be kept for the file since it is part of the record of this meeting.

Regarding signage, Mr. Cagnoni stated the applicant should be able to work off the existing foundation and electric should also be saved. He further explained the landscaping focus is on State Street, with no requirements to the North.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for passenger vehicle sales (wheel chair accessible vehicles) in a C-3, Commercial General Zoning District at 4100 East State Street. The Motion was **SECONDED** by Craig Sockwell 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. Property is limited to five (5) vehicles displayed outside for sale at one time. Additional vehicle sale display may be approved by the Zoning Office provided a parking lot to the North is constructed. Parking lot addition is subject to Staff review and approval.
3. Submittal of a landscaping plan for Staff's review and approval.
4. Must remove existing sign and replace with a low profile landmark style sign in accordance with the required sign regulations by May 1, 2012.
5. No outdoor storage of inoperable/unlicensed vehicles except those vehicles for sale.

ZBA 051-11
Findings of Fact for a Special Use Permit
For Passenger Vehicle Sales (Wheelchair Accessible Vehicles)
In a C-3, Commercial General Zoning District at
4100 East 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 C-3 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.

ZBA 052-11

Applicant
Ward 13

814 Chestnut Street

Barnes International
Special Use Permit for business related murals in an I-1, Light Industrial Zoning District.

The subject property is approximately 5 acres in size located on the south side of Elm Street, west of Short Horsman Street. There is a 175,000 sq. ft. three-story industrial brick building on the property.

Christine Maust, representing the applicant reviewed the Special Use Permit. The Applicant is proposing (4) murals on the East side of the building facing Short Horsman. They will be made of aluminum type material with three signs being 86 square feet, and the fourth being 118 square feet. They will be

installed on the 4 boarded up window openings of the building. The signs will be permanently installed, with no electric on any of the signs. A description of the photos as shown in Staff Report was given by Ms. Maust. The Board felt this was a great way to enhance the appearance of the neighborhood.

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

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for business related murals in an I-1, Light Industrial Zoning District at 814 Chestnut Street. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Mounting of mural must be according to Exhibit D. Any modifications to material and/or image of mural will require a Modification of Special Use Permit.
2. A sign permit shall be required including an illustration of proposed painting shall be submitted with the permit application.
3. The mural panels may not consist of a vinyl banner material within a frame.

ZBA 052-11
Findings of Fact for a Special Use Permit
For Business Related Murals (Mock-Up Attached)
In an I-1, Light Industrial Zoning District at
814 Chestnut 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 Zoning District in which it is located.

ZBA 053-11

Applicant
Ward 10

3720-3780 East State Street

EZ Pawn

Special Use Permit for a pawn shop in a C-2, Limited Commercial District.

This item will be Laid Over to the February meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the request for Special Use Permit for a pawn shop in a C-2, Limited Commercial District at 3720-3780 East State Street. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

ZBA 054-11

Applicant
Ward 10

2001 Rockwell Street

Habitat for Humanity

Variation to reduce the front yard setback along Rockwell Street from the required 25 feet to 12 feet in an R-1, Single Family Residential Zoning District.

The subject property is a corner lot located on the northeast side of Blackstone and Rockwell Streets and is currently a vacant residence. In addition to the ranch style residence, there are three utility sheds on the north side of the property. All of the structures are in bad condition. Ed Leach, representing Habitat for Humanity, reviewed the request for Variation. Habitat would like to demolish all structures and rebuild a single family home with a one-car attached garage. The home will face Rockwell Street, with the driveway coming off of Blackstone Street. Mr. Roszkowski felt the setback would be consistent with others on the street. Mr. Leach stated Habitat built some of those structures, and this one will be in the same style.

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 Variation to reduce the front yard setback along Rockwell Street from the required 25 feet to 12 feet in an R-1, Single Family Residential Zoning District at 2001 Rockwell 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 be developed in accordance to Exhibit D.
2. Must remove driveway access off of Rockwell.

ZBA 054-11
Findings of Fact for a Variation
To Reduce the Front Yard Setback from Required 25 Feet to 12 Feet
In an R-1, Single-Family Residential Zoning District at
2001 Rockwell 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.

OTHER

Mr. Cagnoni stated if the Board wished to have a presentation of the South Main Corridor Plan it can be arranged in future months. He explained the Board would not be required to take any action and that it would be an informational presentation for their interest. The Board was open to a presentation and felt it would be best to close the public meeting on the date the information was given since it did not pertain to Zoning Board of Appeals business. At this time a definite date was not given, but could occur at the next meeting if the agenda was not extensive.

With no further business to come before the Board, the meeting was adjourned at 7:42 PM

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