



ZONING BOARD OF APPEALS
Tuesday, May 21, 2013, 2013
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: Jennifer Cacciapaglia – City Attorney
Todd Cagnoni – Deputy Director, Construction & Development Services
Mark Marinaro – Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others: Ald Ann Thompson-Kelly
Ald. Joe Chiarelli
Ald. Frank Beach
Seth Sommer, Building Code Official

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, June 3, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:40 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the April meeting as submitted. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 5-0 with Alicia Neubauer abstaining.

ZBA 012-13 **916, 920, and 926 Harding St, 15XX Clifton Ave. and 1515 Clifton Ave. 907, 913, and 9XX Hopkins Court**
 Applicant McClure Engineering / Israel of God's Church
 Ward 05 **Special Use Permit** to allow a religious assembly in an R-1, Single-Family Residential Zoning District

Staff Recommendation was to Lay Over this item to the June 18th meeting to allow the Applicant time to address staff concerns.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the Special Use Permit to allow a religious assembly in an R-1, Single-Family Residential Zoning District at 916, 920, and 926 Harding Street, 15XX Clifton Avenue and 1515 Clifton Avenue, and 907, 913 The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

ZBA 013-13 **1225 and 1235 Sandy Hollow Road**
WITHDRAWN

ZBA 014-13 **4432 Auburn Street**
 Applicant Derek Carpenter / Home Design Solutions
 Ward 07 **Modification of Special Use Permit #143-80** for a gas station to include an addition to the building which is greater than ten percent (10%) of the existing building in a C-3, Commercial General Zoning District

The subject property is located on the southeast corner of the Auburn Street and North Day Avenue intersection. Derek Carpenter, Applicant, reviewed his request for Modification of Special Use Permit. Mr. Carpenter / Home Design Solutions is the General Contractor on this project.

Staff Recommendation is for Approval subject to (6) conditions. Objectors or Interested Parties were present.

Alderman Ann Thompson-Kelly was present and stated she has met with the owners of the establishment. She feels they have an excellent idea of this business to fit in with the community. She stated the owner is very cooperative and willing to do what is required to move this project forward.

Mr. Sanders pointed out that approximately 30-40 feet of the Applicant's site plan of pavement and landscaping as drawn is actually on the adjacent property. Mr. Carpenter explained the architect had made a mistake on the property lines and is in the process of redrawing a new site plan. The Applicant recognized that he would need to make some major adjustments on the rear of the property. Mr. Cagnoni clarified the addition would leave approximately 11' from the building to the property line so there would no longer be any pavement behind the building to the south, which would then become landscaping. He further stated that required landscaping could be accommodated without having to adjust the footprint of the building. Landscaping could come up along the west side of the building providing there is no parking on that side. In discussion with the adjacent property, Staff indicated they did not have any objections to the expansion of the building itself but rather with the incorrect lot lines shown on the drawing.

A MOTION was made by Craig Sockwell to **APPROVE** the Modification of Special Use Permit #143-80 for a gas station to include an addition to the building which is greater than ten percent (10%) of the existing building in a C-3, Commercial General Zoning District at 4432 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of a revised civil plan to include the removal of all existing and proposed development that encroaches onto the adjacent property in the south, dumpster enclosure area and rendering.
3. Submittal of a revised landscape plan to include removal of landscaping encroaching on the property to the south, perimeter landscaping added along Auburn Street and North Day Avenue, Type B Buffer landscaping along the south and east property lines, building foundation landscaping of at least 50% for the existing building and proposed addition, and plant species for Staff's review and approval.
4. That the existing freestanding sign shall be removed and replaced with a landmark style sign in accordance with the Sign Ordinance.
5. Must obtain separate permits for signage.
6. Must develop site in accordance with new civil and landscaping plans approved by Staff.

ZBA 014-13
Findings of Fact for a Modification of Special Use Permit #143-80
For a Gas Station to Include an Addition to the Existing Building
Which is Greater than Ten (10%) Percent of the Existing Building
In a C-3, General Commercial Zoning District at
4432 Auburn Street

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

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3 Zoning District in which it is located.

With no further business to report, the meeting was adjourned at 5:54 PM.

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