



ZONING BOARD OF APPEALS
Tuesday, June 18, 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
Scott Sanders
Craig Sockwell

Absent: Dan Roszkowski

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

Others: Kathy Berg, Court Stenographer
Alderman Venita Hervey
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, July 1, 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 5:30 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the April meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Alicia Neubauer abstaining and Dan Roszkowski absent.

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
 Laid Over from May meeting

A request for Lay Over was received on this item.

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 St, 15XX Clifton Ave, and 1515 Clifton Ave, and 907, 913, and 9XX Hopkins Court** The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

ZBA 015-13 **228 Energy Avenue**
 Applicant G & M Construction / Richard Drewek
 Ward 05 **(A) Special Use Permit** for off-premises business identification sign
 (B) Variation to increase the maximum allowable square footage from 64 sq. ft. to 96 sq. ft.
 (C) Variation to increase the maximum allowed height from 8' to 13' in an I-1, Light Industrial Zoning District

The subject property is located on the south side of Harrison and north of Energy and the west side of Magnolia and is approximately 1.47 acres in size. The current use of this property is a metal sorting and shipping facility. Joel Erlichman, and Richard Drewek,, Applicants, were present. Mr. Erlichman, V.P. of Behr, reviewed the request. He stated Behr has 8 recycling facilities with Rockford and they wish to remain located in Rockford. Most of the parcels they have purchase tend to be vacated parcels. Every facility is an expansion of what they already do and all of their facilities are of the same business nature.

Mr. Erlichman addressed the hardships that they felt require the off-premise sign requests. He explained they have 8 facilities handling different alloys and wish to be able to direct customers to the correct facility for their alloy needs. Mr. Erlichman further explained they have all these investments along Seminary Street and would like to direct people to the correct facility depending on the alloy involved. He feels this sign is an extension of many Behr properties located in Rockford. He stated 99% of the neighbors

appreciate when they take over a vacant property. He stated their facility is set back so far that it cannot easily be seen and the location does not show up on GPS. He asked that the Board look at Behr as a large corporate entity in Rockford and this is where they want to be. Mr. Drewek wished to point out two projects Behr was involved in – the new entrance off of Kishwaukee into their plant and the rebuilding of the bridge on Seminary Street. Mr. Erlichman stated they have 40 docks total in these facilities. This property should be reviewed as an extension for three separate facilities.

Staff Recommendation is for Denial of all three requests. Interested Parties were present.

Alderman Hervey stated she has absolute respect for Staff evaluations and opinions. However, in this case she is asking that the Board approve this item. She stated at great expense to themselves, Behr has transferred the entrance for their trucks on Kishwaukee. The landscaping is beautiful and they have added a great deal to the neighborhood. One facility is in the Quaker Oats complex and this one is a new one handling different Alloys and she feels signage is important. This is also important to keep trucks on the correct streets. She has no concerns that Behr will allow any signage to become in disrepair.

Steve Schmeling, 315 Harrison Avenue, stated he did not understand what the Applicant was asking for. Mr. Drewek explained the signage application. After discussion, Mr. Schmeling stated he had no objections.

Mr. Sanders stated he does not have that big of an objection to an off premise sign but did ask if they would be open to considering an 8 foot sign in conformance with code. Mr. Erlichman stated they would give this some consideration after the result of the meeting. He stated they are open to discussing sign height, appearance, etc. During discussion, Mr. Sanders and Ms. Neubauer stated they do not have a problem with an off premise sign in this case as long as the sign met the current size, style, and height of the current sign ordinance.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the (A) Special Use Permit for off-premises business identification sign; to **DENY** the (B) Variation to increase the maximum allowable square footage from 64 sq. ft to 96 sq. ft. and to **DENY** the (C) Variation to increase the maximum allowed height from 8' to 13' in an I-1, Light Industrial Zoning District at 228 Energy Avenue. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

ZBA 015-13
Findings of Fact for a Special Use Permit
For Off-Premise Business Identification Sign
In an I-1, Light Industrial Zoning District at
228 Energy Avenue

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 and 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, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development nor improvement of the surrounding property for uses permitted in the I-1 District.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the I-1 Zoning District in which it is located.

ZBA 015-13
Findings of Fact for a Variation
To Increase the Maximum Allowable Square Footage
From 64 Sq. Ft. to 96 Sq. Ft. (8' x 12')
In an I-1, Light Industrial Zoning District at
228 Energy Avenue

Denial 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 not 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 not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has 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 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 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 not comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 015-13
Findings of Fact for a Variation
To Increase the Maximum Allowed Height From 8' to 13'
In an I-1, Light Industrial Zoning District at
228 Energy Avenue

Denial 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 not 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 not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has 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 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 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 not 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 5:45 PM.

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