



**ZONING BOARD OF APPEALS**  
**Wednesday, February 18, 2015**  
**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 DiBenedetto-Neubauer  
Melissa Luciani-Beckford  
Scott Sanders  
Craig Sockwell  
Kimberly Wheeler-Johnsen

**Absent:** Thomas Fabiano  
Dan Roszkowski

**Staff:** Todd Cagnoni – Director Community & Economic Development  
Scott Capovilla – Zoning and Land Use Administrator  
Angela Hammer – Assistant City Attorney  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach – Engineering Operators Manager – Public Works  
Tim Morris - Fire Department  
Lafakeria Vaughn - Assistant City Attorney

**Others:** Kathy Berg - Court 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 representative will 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.



A **MOTION** was made by Alice Neubauer to **LAY OVER** the Variation to decrease the required front yard setback for a parking lot from ten (10 feet to zero (0) feet along 18<sup>th</sup> Avenue; the Variation to reduce the required ten (10) feet wide frontage landscaping to zero (0) feet along 18<sup>th</sup> Avenue in an I-2, General Industrial Zoning District at 383 18<sup>th</sup> Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 055-14**  
Applicant  
Ward 1

**626 Shiloh Road**  
James E. Stevens  
**Modification of Special Use Permit #011-06 for a Planned Unit Development**  
to add 46 town homes in an R-3, Multi-family Residential Zoning District  
**Laid Over from January 2015**

The Applicant has requested that this item be Laid Over to the March 17<sup>th</sup> meeting.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the Modification of Special Use Permit #011-06 for a Planned Unit Development to add 46 town homes in an R-3, Multi-family Residential Zoning District at 626 Shiloh Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 001-15**  
Applicant  
Ward 01

**1909 Shaw Woods Drive**  
Mark Clodius  
**Variation** to increase the maximum allowed fence height in the front yard from (4) feet to (5) feet in an R-1, Single-family Residential Zoning District

The subject property is located on the east side of Shaw Woods Drive, three blocks south of the Spring Creek Road/Shaw Woods Drive intersection and is a single-family residence. Mark Clodius, Applicant reviewed his request for a Variation. Mr. & Mrs. Clodius are moving their residence to the 1909 Shaw Woods Drive address. Mr. Clodius is an owner of Clodius Jewelry. He explained that due to the nature of their business, they have had several instances in the past where security has been an issue at their home. Prior to moving into their new residence they wish to take secure measures to protect their family and their investments. Mr. Clodius felt the 1 foot difference in fence height would not be readily noticeable and the design and style of the fence matches those of the neighbor. The front of the property currently does not have a fence at this time. The neighbors have a 6 foot fence in the side yard that matches what the Applicant has chosen.

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

Both Mr. Sanders and Ms. Petersen stated they understood the Applicant's concern and felt this was a reasonable request.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to increase the maximum allowed fence height in the front yard from (4) feet to (5) feet in an R-1, Single-family Residential Zoning District at 1909 Shaw Woods Drive. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all Building and Fire Codes.
2. Submittal of Fence Permit for staff review and approval.
3. Submittal of fence elevations for Staff review and approval.

**ZBA 001-015**  
**Findings of Fact for Approval of a Variation**  
**To Increase the Maximum Allowed Fence Height**  
**In the Front Yard**  
**From Four (4) Feet to Five (5) Feet**  
**In an R-1, Single-Family Residential Zoning District at**  
**1909 Shaw Woods Drive**

**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 002-15**  
Applicant  
Ward 03

**305 South Madison Street and 301 South Water Street**

Austin Crull for the City of Rockford

**Variation** to increase the number of allowable business identification wall signs from two (2) to four (4)

**Variation** to allow nine (9) interchangeable wall mounted light pole style signs for the purpose of on premise special event advertising and sponsor brand name recognition in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the southwest corner of South Water Street and Walnut Street. Austin Crull, Project Manager for the City of Rockford, reviewed the requests for signage Variation. The proposed signage facing Water Street would be 120 sq. feet and they are asking for 3 interchangeable banners to the south of that sign. The Architectural tower on the NW corner of the building would have 2 signs each and there would be 6 interchangeable banners facing the river. These banners would be for logos or sponsorship by the Rockford Park District or Sponsors. They will be blue in color. The primary use of the interchangeable banners are geared towards Sponsorships.

Mr. Crull explained that the 301 South Water Street address will be changed to 305 South Madison Street once the platting process is started. Mr. Capovilla explained two of the four wall signs will be facing east. All signs will be in compliance with code. All four of the signs would have the same information on them. The tower sign actually faces both directions. Marcy Leach verified that this building is almost 2 blocks long. There is discussion of making this street a two-way street in the future, and this would accommodate travelers coming in from the far south since the east end sign would also be visible from the north side as well. In perspective, if this property were a shopping center, they would be allowed 2,000 square feet of signage.

Staff Recommendation is for Approval of both Variations with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to increase the number of allowable business identification wall signs from two (2) to four (4) and to **APPROVE** a Variation to allow nine (9) interchangeable wall mounted light pole style signs for the purpose of on premise special event advertising and sponsor brand name recognition in a C-4, Urban Mixed-Use Zoning District at 305 South Madison Street and 301 South Water Street. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all Building and Fire Codes.
2. Must obtain separate permits for signage and the signage must be in accordance with Exhibits E and F.

**ZBA 002-15**  
**Findings of Fact for Approval of a Variation**  
**To Increase the Number of Allowable Business Identification Wall Signs**  
**From Two (2) to Four (4)**  
**In a C-4, Urban Mixed-Use Zoning District at**  
**305 South Madison Street and 301 South Water 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.

**ZBA 002-15**  
**Findings of Fact for Approval of a Variation**  
**To Allow Nine (9) Interchangeable Wall Mounted Light Pole Style Signs**  
**For the Purpose of On Premise Special Event Advertising**  
**And Sponsor Brand Name Recognition**  
**In a C-4, Urban Mixed-Use Zoning District at**  
**305 South Madison Street and 301 South Water 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.

**ZBA 003-15**  
Applicant  
Ward 09

**3135 North Rockton Avenue**

GP Petroleum, Inc.

**Special Use Permit** for a motor vehicle repair shop in conjunction with a gas station and convenience store

**Variation** to reduce the required off-street parking from 18 spaces to 10 spaces in a C-2, Limited Commercial Zoning District

The subject property is located on the northeast corner of the North Rockton Avenue and Paradise Boulevard intersection and is currently a vacant gas station and convenience store. The Applicants purchased this property in 2004. Attorney Charles Prorok representing the Applicant, reviewed the applicant's request. He explained the Applicant's intent is to only use one of the two existing bays. They

will be doing minor repairs only, and do not anticipate needing both bays. This also allows for feasible parking requirements. He further stated his client has no problems meeting the 17 Staff conditions.

Alicia Neubauer questioned the soils report review by the Winnebago County Soil & Water Conservation District for this application. Marcy Leach, Public Works, verified that the applicant is not required to submit storm water drawings for water run off because they are not doing any construction on the lot. P.W. does monitor snow removal and/or plowing operations to avoid any run off issues.

Staff Recommendation is for Approval of both requests with (17) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a motor vehicle repair shop in conjunction with a gas station and convenience store; and to **APPROVE** the Variation to reduce the required off-street parking from 18 spaces to 10 spaces in a C-2, Limited Commercial Zoning District at 3135 North Rockton Avenue. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

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 revised site plan to include removal of the two (2) staff parking spaces.
4. Submittal of a detailed landscape plan to include recommended Type B Buffer landscaping units and sight-obscuring fence along the east and north property lines, existing landscaping to be preserved, and plant species for Staff review and approval.
5. Submittal of a dumpster detail, rendering and dumpster enclosure permit for Staff's review and approval.
6. The hours of operation and days for the motor vehicle repair shop will be 8:00 AM to 6:00 PM Monday through Friday.
7. The hours of operation and days for the motor vehicle repair shop will be 8:00 AM to 3:00 PM Saturday.
8. There shall be no overnight storage of vehicles on the property.
9. There shall be no outside storage of any auto parts, equipment, or materials.
10. There shall be no dismantling of vehicles or vehicle salvage on the property.
11. There shall be no towing business or tow trucks operating from the facility.
12. No blocking of the street or sidewalks with vehicles or snow is allowed.
13. That the freestanding sign shall be replaced with a landmark style sign in accordance with the Sign Ordinance.
14. Must obtain sign permit for new landmark-style free-standing sign.
15. Must obtain fence permit for new vinyl sight-obstructing fences.
16. Submittal of building elevation plan for improvements to the façade along North Rockton Avenue and Paradise Boulevard.
17. All conditions must be met prior to establishment of use.

With no further business to report, the meeting was adjourned at 6:06 PM

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