



ZONING BOARD OF APPEALS
Tuesday, April 21, 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
Thomas Fabiano
Melissa Luciani-Beckford
Dan Roszkowski
Scott Sanders
Craig Sockwell
Kimberly Wheeler-Johnsen

Absent:

Staff: 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
Officer Nolan Walker – Police Department

Others: Alderman Franklin Beach
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.
- 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, April 27, 2015, at 5:30 PM in City Council Chambers 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 5:30PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 17th meeting with an amendment to change file number 101-06 to 011-06 on page 3. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote 6-0 with Scott Sanders abstaining.

ZBA 034-14
Applicant
Ward 10

5410 and 5456 East State Street

Dale Nelson / Drinc, Inc.

Special Use Permit for a restaurant, bar and grill and nightclub in a C-3, General Commercial Zoning District

Laid Over from August 2014 – March 2015

This item is in conjunction with an item on the Liquor & Tobacco Advisory Board application that is currently on hold. Both items will be Laid Over to the May 19th meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Special Use Permit for a restaurant, bar and grill and nightclub in a C-3, General Commercial Zoning District at 5410 and 5456 East State Street. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 7-0.

ZBA 044-14
Applicant
Ward 11

383 18th Avenue

Rust-oleum Corporation / Scott Anderson

Variation to decrease the required front yard setback for a parking lot from ten (10) feet to zero (0) feet along 18th Avenue

Variation to reduce the required ten (10) feet wide frontage landscaping to zero (0) feet along 18th Avenue in an I-2, General Industrial Zoning District

Laid Over from October 2014 – March 2015

Prior to the meeting, the Applicant has requested this item be Laid Over to the May 19th meeting.

A **MOTION** was made by Scott Sanders 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 18th Avenue; and the **Variation** to reduce the required ten (10) feet wide frontage landscaping to zero (0) feet along 18th Avenue in an I-2, General Industrial Zoning District. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 7-0.

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 - March 2015

Prior to the meeting, the Applicant has requested this item be Laid Over to the May 19th meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Modification of Special Use Permit #101-06 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 Melissa Beckford and **CARRIED** by a vote of 7-0.

ZBA 004-15
Applicant
Ward 10

3915 East State Street
Amerco Real Estate Co. / Zulema Longoria Ward
Special Use Permit for a Planned Unit Development consisting of two (2) buildings; one for a climate controlled self-storage facility and one for a new residential self-storage warehouse that includes outdoor rental and outdoor storage of light equipment (trucks, vans, and trailers) in a C-2, Limited Commercial Zoning District.
Laid Over from March 2015

Prior to the meeting, the Applicant has requested this item be Laid Over to the May 19th meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the **Special Use Permit for a Planned Unit Development** consisting of two (2) buildings; one for a climate controlled self-storage facility and one for a new residential self-storage warehouse that includes outdoor rental and outdoor storage of light equipment (trucks, vans, and trailers) in a C-2, Limited Commercial Zoning District. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 7-0.

ZBA 006-15
Applicant
Ward 11

1621 Broadway
David Q. Saleh
Special Use Permit for an auto mechanical / repair service in a C-4, Urban Mixed Use Zoning District

The subject property is located on the south side of Broadway, approximately 204 feet east of 11th Street and is currently a vacant building. Applicant David Saleh, John Gillespie and Attorney Tim Whitham were present.. Attorney Whitham reviewed the Applicant's request for Special Use Permit. He stated the garage can hold 6-8 vehicles so no vehicles will be parked out doors in the evening. It is the intent of the Applicant to only do auto mechanics and would not involve any body work or painting.

Staff report stated the applicant has applied to establish the use of an auto repair facility due to being cited for violations of outside storage of vehicles and for not establishing the use of auto repair under the property permits. Ms. Beckford questioned if Mr. Saleh, the current Applicant, was the same tenant when these violations occurred. Attorney Whitman stated he was not.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

There was discussion from the Board on this property needing to come more into compliance with code. Ms. Johnsen stated she would be willing to approve this application with conditions of landscaping being required. Scott Sanders asked Staff if they had any input on landscaping. Mr. Capovilla felt they could

place some landscaping along the Broadway side, but felt landscaping along the alley behind the building would not make much of an improvement to the property due to it's location. Scott Sanders requested removal of some asphalt along Broadway and adding landscaping in that area. Mr. Capovilla stated Staff is willing to work with the applicant.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Special Use Permit for an auto mechanical / repair service in a C-4, Urban Mixed Use Zoning District at 1621 Broadway. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-1 with Craig Sockwell voting Nay.

Approval is subject to the following conditions:

1. The Applicant to provide a landscaping plan for the area along Broadway to be reviewed and approved by Staff.
2. The Applicant to provide a parking plan for review and approval by Staff.
3. The Applicant work with a design professional and staff to bring the building into compliance.

ZBA 006-15
Findings of Fact for Approval of a Special Use Permit
For an Auto Mechanical / Repair Service
In a C-4, Urban Mixed Use Zoning District at
1621 Broadway

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 or will be 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 Zoning District in which it is located.

ZBA 007-15
Applicant
Ward 01

6270 East State Street

Sunil Puri, L.L.C.

- (A) **Variation** to increase the maximum allowable business identification wall signs from two (2) to three (3)
- (B) **Variation** to increase the maximum allowable business identification wall sign square footage from (240) square feet to (460) square feet in a C-3, General Commercial Zoning District

The subject property is located 160 feet east of the Bienterra Trail and East State Street intersection. The name of the business is Sleepy's. Attorney Tim Muldowney, representing the Applicant, reviewed the requests for Variation. This building is within a shopping center. There currently is a sign on the north and south sides of the building. There is also a pylon sign facing East State Street. The existing wall signs face away from East State Street. Attorney Muldowney feel the building sign facing the parking lot is not serving the purpose of what an exterior sign would do other than to direct people to the building from the parking lot. He further stated when traveling from West to East on East State Street, the south sign is difficult to see.

Scott Sanders stated traffic from the east will see the east wall sign, and traffic coming from the west will see the pylon sign.

Tom Fabiano asked the Applicant what the hardship would be. Attorney Muldowney responded that the applicant is being deprived of their ability to have two signs facing out to the public. He stated half of those traveling would not be getting the benefit of seeing the business sign. Attorney Muldowney stated two of the tenants - Weight Watchers and H & R Block – only have one sign each. Under this consideration, the property would still be under the total number of signs allowed by the ordinance except that Sleepy's would have three signs instead of two.

Staff Recommendation is for Denial of both requests. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **DENY** the Variation to increase the maximum allowable business identification wall signs from two (2) to three (3) and to **DENY** the Variation to increase the maximum allowable business identification wall sign square footage from (240) square feet to 460) square feet in a C-3, General Commercial Zoning District at 6270 East State Street. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 6-1 with Dan Roszkowski voting Nay.

ZBA 007-15
Findings of Fact for Denial of a Variation
To Increase the Maximum Allowable Business Identification Wall Signs
From Two (2) to Three(3)
In a C-3, General Commercial Zoning District at
6270 East State Street

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 not 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 007-15
Findings of Fact for Denial of a Variation
To Increase the Maximum Allowable Business Identification Wall Sign Square Footage
From Two Hundred Forty (240) Square Feet
To Four Hundred Sixty (460) Square Feet
In a C-3, General Commercial Zoning District at
6270 East State Street

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 not 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 008-15
Applicant
Ward 02

1303 and 1401 East State Street and 14XX Charles Street

Brian Reck for SwedishAmerican Hospital

- (A) **Variation** to increase the maximum allowable square footage for free-standing signs along East State Street and Charles Street from (64) square feet to (167.2) square feet
- (B) **Variation** to increase the maximum allowable height for a business identification landmark style free-standing signs along East State Street and Charles Street from (8) feet to (21) feet
- (C) **Variation** to increase the maximum allowable square footage for directional free-standing sign along East State Street from (10) square feet to (72) square feet
- (D) **Variation** to increase the maximum allowable height for directional free-standing sign along East State Street from (6) feet to (11) feet in a C-2, Limited Commercial Zoning District

The subject properties are surrounded by East State Street to the north, 9th Street to the west, Charles Street to the south, and Williams Park to the east. Attorney Amanda Martinez, representing the Applicant, Tom Meyers and Brian Reck from SwedishAmerican Hospital, Applicants, and Daniel Saavedra, Architect were present.

Mr. Meyers stated SwedishAmerican Hospital has been on this site for over 100 years. They recently merged with the University of Wisconsin and would like to update all signage on their campus. The intent is to increase visibility for their patients traveling to various buildings on campus. Clarity of signs is a requirement for their patients. Mr. Meyer stated SwedishAmerican campus serves as a gateway to downtown and it is their intent to maintain a good image for the City of Rockford.

Dan Saavedra, Architect for this project, reviewed the site plan. They are removing two signs, one along Charles Street and one along East State Street that are 14 feet high. The Charles street sign that is being removed will not be replaced at that location; however there will have a new sign located at the Charles Street entrance. The proposed signs for Charles Street and East State Street signs are 21 foot high, while the existing signs are 18 foot high. After reading Staff recommendations, Mr. Meyer stated they have made an adjustment to come down to 16 feet by shortening the pillars. They will still be maintaining the stone and some of the landscaping. The ten foot sign on Charles will be replaced with a 16 foot high sign so that the East State and Charles streets will maintain the same image. The Emergency Room sign will be reshaped for a clearer image and will be 8 feet high. The Charles Street entrance sign is going to be moved from the East side to the West side of the Street for easier visibility when exiting onto Charles Street from the Campus.

Attorney Martinez stated her client is agreeable to changing the free standing signage for SwedishAmerican identification from their request of 21 feet high down to 16 feet . Per Mr. Sanders' request, the Applicant provided a presentation showing the difference in design comparing the 21' and the 16' signs. Mr. Saavedra agreed that the 16' height actually looks better than that originally proposed.

Staff Recommendation is for Approval of (A), Denial of (B), Approval of (C) and Denial of (D). Variation (B) and (D) do have recommendations of Approval for lower heights. No Objectors or Interested Parties were present.

Scott Sanders felt in a case such as this where a business, particularly a hospital, takes up blocks of an area the increased size and height of signage is more acceptable.

A **MOTION** was made by Scott Sandersto **APPROVE** the (A) Variation to increase the maximum allowable square footage for free-standing signs along East State Street and Charles Street from (64) square feet to (167.2) square feet; to **DENY** the (B) Variation to increase the maximum allowable height for a business identification landmark style free-standing signs along East State Street and Charles Street from (8) feet to (21) feet; **APPROVE** a (B) Variation to increase the maximum allowable height for

business identification landmark-style free-standing signs along East State Street and Charles Street from eight (8) feet to sixteen (16) feet; **(C) APPROVE** the Variation to increase the maximum allowable square footage for directional free-standing sign along East State Street from (10) square feet to (72) square feet; and to **DENY** the (D) Variation to increase the maximum allowable height for directional free-standing sign along East State Street from (6) feet to (11) feet and to **APPROVE** a Variation to increase the maximum allowable height for a directional free-standing sign along East State Street from Six (6) feet to eight (8) feet in a C-2, Limited Commercial Zoning District at **1303 and 1401 East State Street and 14XX Charles Street**. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0 with Alicia Neubauer abstaining.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a revised sign elevation for staff review and approval.
4. Submittal of building elevations for Staff review and approval
5. Must obtain separate permits for signage and sign must be constructed to match and be in accordance with revised sign elevations approved by Staff.
6. Must develop site in accordance with landscaping plans Exhibit E approved by Staff.
7. Must develop building in accordance with elevations approved by Staff.
8. All conditions must be met prior to establishment of use.

ZBA 008-15
Findings of Fact for Approval of a Variation
To Increase the Maximum Allowable Square Footage
For Free-Standing Signs Along East State Street and Charles Street
From Sixty-Four (64) Square Feet
To One-Hundred Sixty Seven and Two-Tenths (167.2) Square Feet
In a C-2, Limited Commercial Zoning District at
1303 & 1401 East State Street & 14XX Charles 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 008-15
Findings of Fact for Denial of a Variation
To Increase the Maximum Allowable Height for Business Identification
Landmark Style Free-Standing Signs Along East State Street and Charles Street
From Eight (8) Feet to Twenty-One (21) Feet
In a C-2, Limited Commercial Zoning District at
1303 & 1401 East State Street & 14XX Charles Street

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 008-15
Findings of Fact for Approval of a Variation
To Increase the Maximum Allowable Height for Business Identification
Landmark Style Free-Standing Signs Along East State Street and Charles Street
From Eight (8) Feet to Sixteen (16) Feet
In a C-2, Limited Commercial Zoning District at
1303 & 1401 East State Street & 14XX Charles 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 008-15
Findings of Fact for Approval of a Variation
To Increase the Maximum Allowable Square Footage
For a Direction Free-Standing Signs Along East State Street
From Ten (10) Square Feet to Seventy-Two (72) Square Feet
In a C-2, Limited Commercial Zoning District at
1303 & 1401 East State Street and 14XX Charles 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 008-15
Findings of Fact for Denial of a Variation
To Increase the Maximum Allowable Height for a Directional Free-Standing Sign
Along East State Street
From Six (6) Feet to Eleven (11) Feet
In a C-2, Limited Commercial Zoning District at
1303 and 1401 East State Street and 14XX Charles Street

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 008-15
Findings of Fact for Approval of a Variation
To Increase the Maximum Allowable Height for a Directional Free-Standing Sign
Along East State Street
From Six (6) Feet to Eight (8) Feet
In a C-2, Limited Commercial Zoning District at
1303 and 1401 East State Street and 14XX Charles 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 009-15

**7589, 75XX, 7525 Blairmore Drive, 75XX Royal Troon Drive,
75XX Western Gales Drive**

Applicant
Ward 01

Timothy McDonnell
Modification of Special Use Permit #027-14 for a professional office in a C-1,
Limited Office Zoning District and R-3, Multi-family Residential Zoning District

The subject property is located north of Rockford Christian School and south of the Golf Shack on the east side of North Bell School Road. Timothy McDonnell, Applicant, reviewed the request for Modification of Special Use Permit. Mr. McDonnell stated they are asking for the ability to use this space as professional office such as insurance office, attorney office, etc. in order to have a better opportunity to attract tenants.

Staff Recommendation is for Approval subject to (1) condition. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Modification of Special Use Permit #027-14 for a professional office in a C-1, Limited Office Zoning District and R-3, Multi-family Residential Zoning District at **7589, 75XX, 7525 Blairmore Drive; 75XX Royal Troon Drive; 75XX Western Gales Drive**. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. The clubhouse must obtain a change of use permit to a professional office and submit drawings by a design professional.

ZBA 009-15

**Findings of Fact for Approval of Modification of Special Use Permit #027-14
For a Professional Office in a C-2, Limited Office Zoning District
And R-3, Multi-Family Residential Zoning District at
75XX Royal Troon Drive; 7589, 7525, 75XX Blairmore Drive; and 75XX Western Gales Drive**

Approval of this Modification of 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-1, R-3 districts.
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-1, R-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 6:31.

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