



**ZONING BOARD OF APPEALS**  
**Tuesday, June 21, 2016**  
**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  
Tom Fabiano  
Melissa Luciani-Beckford  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Scott Sanders

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakeria Vaughn - Assistant City Attorney  
Tim Morris - Fire Department

**Others:** Alderman Teena Newburg  
Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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Scott Capovilla 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 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 27, 2016, 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 5:39 PM. A **MOTION** was made by Alicia Neubauer to **layover** approval of the minutes from the May 2016 meeting because they were not received by the Board. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0 with Scott Sanders absent.

**ZBA 016-16**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**

Kamal Abedrabbo

**Modification of Special Use Permit #33-13** to expand passenger vehicle sales on the entire property and within the vacant car wash for vehicle and accessory storage related to passenger vehicle sales in an I-1, Light Industrial Zoning District

The Applicant, Kamel Abedrabbo and Hane Razick presented the application for ZBA 016-16. Hane Razick stated that they appeared before the Board about 2 years ago for their self-car wash business. Now, they're looking to expand that business and close off the car wash space. They would like to improve the appearance of the building and want the cars for sale up front only. Alicia Neubauer asked if the applicant had a chance to review Staff's recommendations. Both presenters said no and they reviewed the recommendations for a few minutes. Upon review, the applicant said that he was agreeable to all of the recommendations and didn't see any issues with the conditions. They are also willing to do more landscaping on the subject property.

Dan Roszkowski asked about the condition of modifying their sign. Applicant asked for clarification and Scott Capovilla explained the condition and that the structure needs to come down. Dan Roszkowski explained what a landmark style was and that if they modified the sign, they would have to bring it into compliance with City ordinance. Mr. Roszkowski also said they need to work with staff on their plans and conformance with any city ordinances. Craig Sockwell asked about the applicant closing the car wash and the bays. Mr. Razick explained that the car wash has been closed but they will still be using the bays. However, nothing will be seen from the other side and they will utilize inside storage. Mr. Abedrabbo asked if they could get a special use permit for the entire building. Scott Capovilla said that is a building permit issue and the special use permit will have to be approved by the City Council. No building permits will be issued until then.

Staff Recommendation was for Approval with (8) conditions as listed below:

APPROVAL of a Modification of Special Use Permit #33-13 to expand passenger vehicle sales on the entire property and within the vacant car wash for vehicle and accessory storage related to passenger vehicle sales in an I-1, Light Industrial Zoning District

No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** a Modification of Special Use Permit #33-13 to expand passenger vehicle sales on the entire property and within the vacant car wash for vehicle and accessory storage related to passenger vehicle sales in an I-1, Light Industrial Zoning District. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. That a revised site plan be submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
3. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval included required perimeter landscaping between right-of-way and parking lot.
4. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
5. That the property be developed as per revised site and landscaping plans, and that no more than 30 vehicles shall be displayed for sale or stand outside.
6. That no vehicles be stored outside that are not for sale other except for six (6) operable vehicles that shall be located within the fenced storage area.
7. That the free-standing sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 016-16**  
**FINDINGS OF FACT FOR APPROVAL OF A**  
**MODIFICATION OF SPECIAL USE PERMIT #33-13 TO EXPAND**  
**PASSENGER VEHICLE SALES ON THE ENTIRE PROPERTY**  
**AND WITHIN THE VACANT CAR WASH FOR VEHICLE AND**  
**ACCESSORY STORAGE RELATED TO PASSENGER VEHICLE SALES**  
**IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT**  
**LOCATED AT 3424 AND 3426 SOUTH ALPINE ROAD**

**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, and will not substantially diminish or 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, are being, or will be 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 conform to the applicable regulations of the I-1 District in which it is located.

**ZBA 017-16**  
Applicant  
Ward 02

**1215 North Alpine Road**

Roger Larrick for Crusader Central Clinic Association

**Variation** to increase height for a free-standing sign from the maximum permitted height of eight (8) feet to sixteen (16) feet and a **Variation** to allow a pylon free-standing sign in place of the required landmark style sign in a C-1, Limited Office Zoning District

Gordon Eggers and Roger Larrick presented the application for ZBA-017-16. Roger Larrick gave some background on Crusader Central Clinic, which has been in business for 44 years. Crusader is mission driven and they're the only community clinic. It has a patient centered board and clinic. Crusader has a strong children-patient base, with 20% of babies being born at Crusader. The location on North Alpine is about 20,000 square feet and there is currently a sign there. They painted the temporary sign previously but they don't want to keep it. They are proposing to put up a new sign. The current electronic board hasn't been used for many years. They would like the new sign twice as tall but not a monument based sign. The applicant said the sign would cost about \$25,000. The proposed message board would be mainly for community based messages.

As to the findings of fact by Staff, Roger Larrick said that they did not want to increase the square footage. Kim Johnsen said that the sign is attractive and asked why they wanted it to be higher. Mr. Larrick said the sidewalk goes along there and he wants the message board to go up higher so people can't touch it as they walk pass. Also, Gordon Eggers said Crusader wants to put up messages regarding different fairs the clinic holds. Alicia Neubauer said that the site is pretty flat and other properties do have higher signs. She said that there should be consistency to follow the city's sign ordinance as the Board has done with other applicants. Craig Sockwell said it is give and take and he has mixed emotions about this request. Dan Roszkowski stated that Guilford and Alpine is completely wide open and you can see the building, as opposed to the State Street location. Kim Johnsen said that the pictures of the proposed looks great and Melissa Luciani-Beckford agreed.

Scott Capovilla clarified that the sign on North Second Street in Exhibit I is actually higher than it looks and is not in compliance. He further said the applicant should have considered a different variation or asked for just a slight increase in height. Scott encouraged the Board not to be inconsistent with the progress we've made in the past few years in regards to the sign ordinance and compliance.

Staff Recommendations were for Denial of items as listed below:

DENIAL of a Variation to increase height for a free-standing sign from the maximum permitted height of eight (8) feet to sixteen (16) feet and DENIAL of a Variation to allow a pylon free-standing sign in place of the required landmark style sign in a C-1, Limited Office Zoning District.

No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to DENY a Variation to increase height for a free-standing sign from the maximum permitted height of eight (8) feet to sixteen (16) feet and to DENY a Variation to allow a pylon free-standing sign in place of the required landmark style sign in a C-1, Limited Office Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 017-16**  
**FINDINGS OF FACT FOR DENIAL OF A VARIATION**  
**TO INCREASE HEIGHT FOR A FREE-STANDING SIGN**  
**FROM THE MAXIMUM PERMITTED HEIGHT OF EIGHT (8) FEET**  
**TO SIXTEEN (16) FEET LOCATED AT 1215 NORTH ALPINE ROAD**

**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 is 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 017-16**  
**FINDINGS OF FACT FOR DENIAL OF A VARIATION**  
**TO ALLOW A PYLON FREE-STANDING SIGN IN PLACE**  
**OF THE REQUIRED LANDMARK STYLE SIGN IN A C-1,**  
**LIMITED OFFICE ZONING DISTRICT**  
**LOCATED AT 1215 NORTH ALPINE ROAD**

**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 is 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 018-16**

Applicant  
Ward 13

**1200 West State Street, 121 Stanley Street**

Roger Larrick for Crusader Central Clinic Association

**Variation** to increase height for a free-standing sign from the maximum permitted height of eight (8) feet to sixteen (16) feet and a **Variation** to allow a pylon free-standing sign in place of the required landmark style sign in a C-2, Limited Commercial Zoning District

Gordon Eggers and Roger Larrick presented the application for ZBA-018-16. Gordon Eggers explained that Crusader Central Clinic has been in business for 44 years. The West State Street location has 77 board certified providers and they're the anchor of the association. There have approximately 45,000 visits annually. It used to be a catholic girls school prior to it becoming Crusader. They can't put up a lot of signage because of the small size of the building. They have invested over 2 million dollars in the building as part of the West State Street project. The topography has changed and the building is set further back by some trees. Previously, community event information was put on the sign. Crusader has a partnership with Walgreens and Crusader also provides optical service at this facility.

Mr. Eggers sees this location as a community destination in a sense. He further explained that there is no congestion on State Street and no neighbors across from them and their intent is to be a great asset to the community. Tom Fabiano asked if a monument sign would accomplish what they would like to do with the property. Mr. Larrick said it could have a base like a monument sign. However, grading is an issue, and how it dips. Alicia Neubauer said she may support this location because of the difficulty in locating the business without a new sign. Tom Fabiano expressed the greatness of the clinic for the community.

Dan Roszkowski said the Board should follow the sign ordinance. He recalled when Swedish American hospital came before the Board with their humongous signs and their property is very big. Dan further said that a "F" shaped sign may work better and there's no stop light as with the Alpine location. Kim Johnsen expressed her support of the higher sign at this location. Scott Capovilla explained that he would like the sign to stay within the 8-foot height requirement like Save-A-Lot if there is a monument sign. He said wall signage could also be used, especially for the Alpine site.

Staff Recommendations were for Denial of items as listed below:

DENIAL of a Variation to increase height for a free-standing sign from the maximum permitted height of eight (8) feet to sixteen (16) feet and DENIAL of a Variation to allow a pylon free-standing sign in place of the required landmark style sign in a C-2, Limited Commercial Zoning District

No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to DENY a Variation to increase height for a free-standing sign from the maximum permitted height of eight (8) feet to sixteen (16) feet and to DENY a Variation to allow a pylon free-standing sign in place of the required landmark style sign in a C-1, C-2, Limited Commercial Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 018-16**  
**FINDINGS OF FACT FOR DENIAL OF A VARIATION**  
**TO INCREASE HEIGHT FOR A FREE-STANDING**  
**SIGN FROM THE MAXIMUM PERMITTED HEIGHT OF**  
**EIGHT (8) FEET TO SIXTEEN (16) FEET**  
**LOCATED 1200 WEST STATE STREET, 121 STANLEY 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 is 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 018-16**  
**FINDINGS OF FACT FOR DENIAL OF A VARIATION**  
**TO INCREASE HEIGHT FOR A FREE-STANDING**  
**SIGN FROM THE MAXIMUM PERMITTED HEIGHT OF**  
**EIGHT (8) FEET TO SIXTEEN (16) FEET**  
**LOCATED 1200 WEST STATE STREET, 121 STANLEY 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 is 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 019-16**

**2844, 2852, 2860 and 2874 City View Drive- And-  
24XX West Riverside Boulevard**

Applicant  
Ward 09

Doug Valentine  
**Special Use Permit** for a Planned Unit Development consisting of three (3) residential self-storage buildings that includes site and landscaping plans with deviations from regulations in a C-1, Limited Office Zoning District

Doug Valentine explained that the subject property has been a vacant lot since the 1960s. The applicant is proposing to have a self-storage business. Currently, he has a landscaping and construction company. He explained that he has tried to meet the requirements for trees and scrubs but he didn't want to put bushes on the east side of the building because of the obstructions and cars. He said the property would have to be re-platted and there are no ComEd, Nicor, RRWRD or City Water department issues. The current easement that exists on the property must be removed. Additionally, sewer and water will have to be brought back from the curb. Mr. Valentine has been on the west side of Rockford for 16 years and this particular area is surrounded by many apartment buildings, so within one (1) mile, he could provide a storage area. It will be a low maintenance self-storage area and low traffic, so it will not hinder the traffic or impact on Riverside Boulevard. The property will also have privacy fences with about 300 evergreen trees going into the property. He strongly feels the neighborhood needs this development and it will be a great buffer from neighboring parcels.

Kim Johnsen asked about the landscaping requested by Staff of 50% near the parking areas. Mr. Valentine said that there's no way to get plants or scrubs there and Darius Morrow from Zoning has confirmed that. Scott Capovilla said that issue may have to be addressed with a text amendment, specifically in regards to the 50% landscaping required near the parking areas. Kim Johnsen asked if the applicant would be taking all the trees currently there out and he said yes. There is probably only one tree worth keeping, besides low bushes and scrubs. Kim Johnsen asked Marcy Leach if she had an opportunity to look at the site and Marcy said she has previously looked at the site but she's not a forester.

Mr. Valentine further explained that he will have black doors on the storage areas and brown roofs and the new development will help out with taxes. Craig Sockwell asked if there were any other storage facilities that had landscaping within the aisles and what could be done to satisfy staff. Scott Capovilla said it is usually just landscaping around the perimeter and other people increase landscaping by increasing the setback. Staff has an issue with a storage facility in a C-1 district.

Tom Fabiano asked about the height of the fence. Mr. Valentine explained that originally it was 6 feet and Alderman Newburg advised him to go higher to 8 or 10 feet. However, 6 feet is the maximum pursuant to city ordinance so he would have get a variation for a taller fence. Alicia Neubauer said although she would like to see more development on the west side, this application is not appropriate for this location. She said the applicant's business plan is good but there are better options that are already paved and have asphalt and Dan Roszkowski agreed.

Staff Recommendation was for Denial as listed below:

DENIAL of a **Special Use Permit** for a Planned Unit Development consisting of three (3) residential self-storage buildings that includes site and landscaping plans with deviations from regulations in a C-1, Limited Office Zoning District.

The alderman of the Ward, Teena Newburg spoke and said she's not supporting or opposing the item. She said there are probably only three (3) trees currently on the property. She specifically has reservations on the number of proposed units and believes that it is too many units for the area. The applicant's plans are good but she would like to see more greenery throughout the property.

A **MOTION** was made by Alicia Neubauer to DENY a **Special Use Permit** for a Planned Unit Development consisting of three (3) residential self-storage buildings that includes site and landscaping plans with deviations from regulations in a C-1, Limited Office Zoning District. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-1 with Craig Sockwell voting Nay.

**ZBA 019-16**  
**FINDINGS OF FACT FOR DENIAL OF A SPECIAL USE PERMIT**  
**FOR A PLANNED UNIT DEVELOPMENT CONSISTING OF**  
**THREE (3) RESIDENTIAL SELF-STORAGE BUILDINGS THAT INCLUDES**  
**SITE AND LANDSCAPING PLANS WITH DEVIATIONS**  
**FROM REGULATIONS IN A C-1, LIMITED OFFICE ZONING DISTRICT.**  
**LOCATED AT 2844, 2852, 2860 AND 2874 CITY VIEW DRIVE- AND-**  
**24XX WEST RIVERSIDE BOULEVARD**

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

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to and endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will 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 not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-1 District in which it is located.

**ZBA 020-16**  
Applicant  
Ward 12

**2307 Clinton Place, XXXX Harlem Blvd.**  
Douglas W Beto & Erin A. Beto  
A Variation to increase the maximum square footage for an accessory structure from 954 square feet to 1,232 square feet in an R-1, Single family Residential Zoning District.

Kim Johnsen was the chairman for this ZBA item. Attorney Russell Anderson and Douglas & Erin Beto presented this item. Attorney Russell Anderson explained that the Betos just acquired the subject property and their desire is to have a garage for their cars and other items. The proposed garage will have a double

wide door, single door and the siding on the garage will match the house. The Applicants are proposing about a 1200 square foot garage but the 30 percent rule is an issue because of the frontage.

As to the findings of fact, Attorney Anderson explained that it is a hardship to have a single car garage if you don't have storage for children's toys and lawn tools. He is unaware of any property in the City that has this much land mass, that is underutilized. The garage will not be detrimental to the public welfare and although they haven't talked to the neighbor to the North, other neighbors support their request. Blockage of light will not be an issue and scrub trees have already been removed.

Alicia Neubauer asked if the applicants will be storing three (3) cars. Applicants said two cars and maybe an additional one when their kids get older. For now, 2 cars and storage for their children's bikes and toys. Scott Capovilla said that 954 square feet is based on the percentage of the backyard and Alicia Neubauer asked if it was possible to shorten the building. Douglas Beto said they would have to give up 25% if they shorten the building. Kim Johnsen asked about the access to the garage from the house and whether there was covered access. Erin Beto said there are trees but not a covered structure.

Staff Recommendation was for Denial as listed below:

DENIAL of a Variation to increase the maximum square footage for an accessory structure from 954 square feet to 1,232 square feet in an R-1, Single family Residential Zoning District. One objector and three supporters were present.

Sumoulindra Bhattacharya spoke in opposition to the request. He stated that Edgewater is a beautiful area and although the subject is two separate parcels, none of the findings of fact have been met. He said most properties in that area have single car garages but not 3 car garages. There are plenty of places to park cars and he believes getting a 1200 square foot garage would increase the property value of the property. The garage length will be doubled and it will affect the air and light provided to his property.

John Kerwitz supports the request and his property abuts the Beto's property on the east and south side. His property is about 45 feet from the existing structure and his family has no problem with the proposed structure. He would recommend approval of the variance.

Leah Halsey supports the request and she resides on the south side of the subject property. She said the subject property is a huge piece of property but the larger garage would not be out of proportion to the house. She recommends the applicants move the garage from the property line to get more landscaping. Tom Fabiano asked Ms. Halsey asked if there were any other houses with 3 car garages in the area. She said no but the Applicants' lot is very big.

David Beto, Douglas Beto's father spoke in support of the request. He said the property needs a lot of work done and the garage is not an exception. They want to be good neighbors and he would put in a new fence for the neighbor if needed. He believes that there is no air flow problem and the request should be approved.

Attorney Russell responded to the objector's concerns. He said the objector's home is actually 40-50 feet away from the subject property and his concerns are not consistent with the real issues of this garage. Erin Beto said their mentality is not to come in and do whatever they want. Craig Sockwell said it is a big garage and said maybe it should be moved over. Alicia Neubauer agreed that is a really big garage, but it is done tastefully. However, since it's in an older neighborhood, it should meet the existing standards and 954 square feet is very generous in her opinion. Kim Johnsen said the proposed garage looks visually okay to her but asked if the Board could recommend approval with modifications. Scott Capovilla explained that the applicants would only need a permit for a 954 square feet garage and not a variation.

A **MOTION** was made by Craig Sockwell to DENY a Variation to increase the maximum square footage for an accessory structure from 954 square feet to 1,232 square feet in an R-1, Single family Residential Zoning District. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining.

**ZBA 020-16**  
**FINDINGS OF FACT FOR DENIAL OF A VARIATION**  
**TO INCREASE THE MAXIMUM SQUARE**  
**FOOTAGE FOR AN ACCESSORY STRUCTURE**  
**FROM 954 SQUARE FEET TO 1,232 SQUARE FEET IN AN**  
**R-1, SINGLE FAMILY RESIDENTIAL ZONING**  
**DISTRICT. LOCATED 2307 Clinton Place, XXXX Harlem Blvd.**

**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 is 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.

Respectfully Submitted,  
Lafakeria S. Vaughn, Assistant City Attorney  
City of Rockford Department of Law