

**ZONING BOARD OF APPEALS**  
**Tuesday, October 16, 2012**  
**6:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Present:**

**LAB Members:** Alicia Neubauer  
Aaron Magdziarz  
Dennis Olson  
Dan Roszkowski  
Julio Salgado  
Craig Sockwell

**Absent:** Scott Sanders

**Staff:** Jennifer Cacciapaglia – City Attorney  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Jon Reitman – Fire Department  
Marcy Leach – Public Works  
Sandra Hawthorne - Administrative Assistant

**Others:** Alderman Linda McNeely (left at 7:05)  
Alderman Nancy Johnson (left at 7:05)  
Alderman Frank Beach  
Kathy Berg, 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 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 Tuesday, October 29, 2012, 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 6:50 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the September meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Alicia Neubauer and Dan Roszkowski abstaining.

**027-12**                    **540 15<sup>th</sup> Avenue**  
Applicant                Betty Ramirez  
Ward 11                   **Special Use Permit** for a four-family apartment building in an I-1, Light Industrial Zoning District  
**Laid Over from September meeting**

The subject property is located at the northwest corner of 15<sup>th</sup> Avenue and Curtis Street and is an illegally established 4-unit apartment building. This item was Laid Over from the September meeting to allow the Applicant time to work with Staff as well as a design professional. The Board also requested that Attorney Cacciapaglia provide copies of calls for service to this property from the police.

As of this meeting, no further information or contact has been received from the Applicant.

Neither Applicant nor Representative were present.

A **MOTION** was made by Aaron Magdziarz to **DISMISS** the Special Use Permit for a four-family apartment building in an I-1, Light Industrial Zoning District at 540 15<sup>th</sup> Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**033-12**                    **2602 Kilburn Avenue**  
Applicant                Bryan McWilliams / Attorney Chester Chostner, Jr.  
Ward 7                    **Special Use Permit** for a paving business in a C-2, Limited Commercial Zoning District  
**Laid Over from September meeting**

The subject property is located on the west corner of Summerdale Avenue and Kilburn Avenue intersection and is an illegally established paving business. This item was Laid Over at the September meeting to allow the Applicant time to address a number of significant issues with Staff prior to this meeting.

Staff Recommendation at the time the zoning report was prepared was for Denial. Staff met with the Applicant and his Attorney this date and they requested another Lay Over.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the Special Use Permit for a paving business in a C-2, Limited Commercial Zoning District at 2602 Kilburn Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**034-12**

Applicant  
Ward 7

**3505 and 3509 Auburn Street**

Randy J. Sanders

**Modification of Special Use Permit #006-10** for passenger vehicle sales in conjunction with tire installation/sales and an auto repair shop to include a new storage garage which is greater than ten percent (10%) of the existing building in a C-3, General Commercial Zoning District

The subject property is located on the north side of Auburn Street, 1,000 feet east of the Auburn Street and Central Avenue intersection. The current use is a passenger vehicle sales with tire installation/sales and auto repair shop. The Applicant wishes to add a new storage building that is larger than 10% of the existing building and as such requires a Modification to the original Special Use Permit approved in 2010. Randy Sanders, Applicant, was present and reviewed the application. He stated he purchased the property behind the existing business to build a new storage garage. He explained he has equipment that he does not want to store outside and needs the extra space.

Staff Recommendation is for Approval with 5 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Modification of Special Use Permit #006-10 for passenger vehicle sales in conjunction with tire installation/sales and an auto repair shop to include a new storage garage which is greater than ten percent (10%) of the existing building in a C-3, General Commercial Zoning District at 3505 and 3509 Auburn Street subject to conditions 1-5. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building permits for Staff review and approval.
3. Submittal of revised detailed landscape plan to include the type of species and sizes of the existing landscaping on the north lot.
4. The three (3) existing taxing parcels as shown on Exhibit D will need to be combined into one (1) taxing parcel with the submittal of a Real Estate Combination Request Form.
5. That there shall be no overnight outdoor storage of any vehicles or vehicle parts.

**ZBA 034-12**

**Findings of Fact for a Modification of Special Use Permit #006-10  
For Passenger Vehicle Sales  
In Conjunction with Tire Installation/Sales and an Auto Repair Shop  
To Include a New Storage Garage Which is Greater than Ten Percent (10%)  
Of the Existing Building  
In a C-3, General Commercial Zoning District at  
3505 and 3509 Auburn Street**

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

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

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

**035-12**                      **5011 East State Street**  
 Applicant                  Puri 2004 Dyn Trust  
 Ward 14                    **Special Use Permit** for a pawn shop in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of the East State Street and Easton Parkway intersection. The building is currently vacant but most recently was used as an inter-track wagering facility. Attorney Marvin Keys was present representing the Applicant. He explained this application is for a multi-tenant retail and office building with a pawn shop. There will be no outdoor storage or sales. He presented drawings of the north and west elevation of their plans to update. A portion of the building will be leased to other tenants. Attorney Keys stated they wished to maintain the existing pylon sign in exchange for removal of the second sign and having only the pylon sign on the property in preference to having a monument sign. They are wanting to reconfigure the main design of the pylon sign by working with Staff. This is to the benefit of those tenants on the back side of the building because that area has a lower elevation. Discussing the 8 foot sidewalk requirement in Staff condition #3, Attorney Keys requested they be allowed to shift the location of the sidewalk itself to move it closer in to the parking lot rather than directly along E. State Street for safety reasons. This would also allow for a larger area of landscaping.

The Applicant was granted a Special Use Permit in April 2012 for a pawn shop at 5505 East State Street. Attorney Keys stated they have decided not to pursue this and instead are looking at the current application of 5011 East State Street. The parking at this site is more than sufficient to serve their employees and patrons. He further explained the business actions are regulated by the State of Illinois Pawn Brokers Act. This location is an existing shopping center, and Attorney Keys feels a pawn shop business would fit well with this area.

Mr. Cagnoni stated the City is excited to see development in this building as it has been vacant for some time. Regarding the sidewalk, Staff believes this would be acceptable and possibly more appropriate to move the sidewalk off the curb and get a sidewalk easement to accomplish this, thus allowing more landscaping and provide a safer pedestrian path. Staff feels the proposal to modify the existing 20'-25' sign is reasonable. A shopping center sign is allowed to be 20' to advertise multiple tenants. At this time it is not certain how many tenants will be in the building but Staff feels it is a feasible request. Mr. Cagnoni suggested the revision 6 be modified to read: "Submittal of a revised sign elevation for Staff review and approval for the East State Street sign and removal of freestanding sign adjacent to the building. Must develop building elevations in accordance with Exhibits I and J."

Staff Recommendation is for Approval with 8 conditions. One Objector was present.

Chris Aupperle, 621 Hemlock Lane, not an adjacent property owner, was present. She quoted from a paper written by Thomas J. Miles of Chicago entitled "Markets for Stolen Property: Pawn Shops and Crime". This paper was presented at the January 24, 2008 University of Michigan Law and Economic Workshop Ms. Aupperle wished to point out that this reports states a "10% increase in the

pawnshop rate increases the rates of these crimes by almost 1%” She feels this could result in a downgrade investment in the community.

In response, Attorney Keys pointed out that there are a set of standards required by State to record the purchase of items. ID's are required, there is an interview with the customer with questions such as why they want to sell the item and other questions that would give an indication to employees if the customer's actions are questionable. If employees determine there is a question of reliability they will check with police to see if the item is listed as stolen before it goes on the floor. Attorney Keys pointed out this is also to the benefit of the business because there is no financial benefit for a pawn shop to pay for a stolen item that cannot be resold.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for a pawn shop in a C-2, Limited Commercial Zoning District for the property at 5011 East State Street with conditions 1-8 and revisions to conditions 3 and 6. The Motion was **SECONDED** by Craig Sockwell and **FAILED TO CARRY** by a vote of 3-3 with Alicia Neubauer, Dennis Olson, and Julio Salgado voting Nay.

Conditions of the motion were:

1. Meet all applicable Fire Codes.
2. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the “change of use” and any construction to take place.
3. Submittal of a revised civil plan to include new parking layout, sidewalk and dumpster enclosure area.
4. Submittal of a revised landscape plan to include revised landscape strip along East State Street that is a minimum of 5 feet in width, existing mature landscaping to be preserved that surrounds the other parking lots and plant species for Staff’s review and approval.
5. Must develop site in accordance with new civil and landscaping plans approved plans approved by Staff.
6. Submittal of a revised sign elevation for staff review and approval for the East State sign and removal of freestanding sign adjacent the building.
7. Must obtain separate permits for signage and signs must be constructed to match building.
8. All conditions must be met prior to establishment of use.

**ZBA 035-12**  
**Findings of Fact for a Special Use Permit**  
**For a Pawn Shop**  
**In a C-2, Limited Commercial Zoning District at**  
**5011 East State Street**

**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 or 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 substantially diminish and 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.



**ZBA 036-12**  
**Findings of Fact for a Special Use Permit**  
**For a Payday Loan Store (90-003-Y)**  
**In a C-2, Limited Commercial District at**  
**1010 East State Street**

**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 and 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 and 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 C-2 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-2 Zoning District in which it is located.

**037-12**                    **804 Haskell Avenue**  
Applicant                Ringland-Johnson, Inc.  
Ward 13                   **Special Use Permit** for a non-accessory residential parking lot in an R-2, Two-family Residential Zoning District

The subject property is located on the northwest corner of Haskell and Fisher and is currently vacant land owned by the City of Rockford. This is a Community Development project. The City has been working with Rockford Housing Authority and the Applicant on a plan for this site. Greg Kladar, and Ron Clewer were present representing Ringland-Johnson, Applicants. Mr. Clewer stated this parking lot will provide parking for an adjacent building on the NE corner of Haskell and Fisher Avenues. The Fisher Avenue property has an 8 family apartment building and this will be converted to a 6 family apartment building as part of the City's neighborhood stabilization project. Funding is covered under neighborhood stabilization dollars. This apartment building will not be public housing, but will be an affordable project. Mr. Clewer stated off street parking will make this building more viable. Landscaping will be installed to make this an attractive area. Mr. Kladar stated there is no on-site parking for the building.

Alicia Neubauer asked if there were any plans to develop the triangle of land at the southeast corner. Mr. Cagnoni explained this section is a public R-O-W. In regards to a question of lighting, Mr. Clewer stated there will be one lamp at the corner by the parking lot and one in the island. Ms. Neubauer stated she wanted to be certain the lighting would make the residents feel safer while crossing to the apartment.

Staff Recommendation is for Approval with 2 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for a non-accessory residential parking lot in an R-2, Two-family Residential Zoning District at 804 Haskell Avenue with conditions 1-2.. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Submittal of a parking lot permit for Staff's review and approval.
2. Submittal of a landscape plan to include species and sizes for Staff's review and approval.

**ZBA 037-12**  
**Findings of Fact for a Special Use Permit**  
**For a Non-Accessory Residential Parking Lot**  
**In an R-2, Two-Family Residential Zoning District at**  
**804 Haskell 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 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 R-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the R-2 Zoning District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:41 PM

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