

COMMITTEE REPORT

TO THE CITY COUNCIL OF THE CITY OF ROCKFORD:

The Committee on Code and Regulation, to whom was referred a Special Use Permit for a Planned Unit Development consisting of a ground mount solar array within the existing parking lot, Variation to allow a chain-link fence within the front yard along Acorn Street and a Variation to increase the fence height from four (4) feet to six (6) feet within the front yard along Acorn Street in an R-2, Two-family Residential Zoning District for the property described as:

**A/K/A: 609 Kilburn Avenue
PIN: 11-22-233-007**

hereby recommends that the actions of the Zoning Board of Appeals be **Sustained**, thereby recommending that City Council **DENY** a Special Use Permit for a Planned Unit Development consisting of a ground mount solar array within the existing parking lot, **DENY** a Variation to allow a chain-link fence within the front yard along Acorn Street and a **DENY** a Variation to increase the fence height from four (4) feet to six (6) feet within the front yard along Acorn Street in an R-2, Two-family Residential Zoning District at 609 Kilburn Avenue.

Denial is based on the attached Findings of Fact.

Committee Action Taken:

Bonne: Ayes:___ Nays:___ Absent:___
Bell: Ayes:___ Nays:___ Absent:___
Torina: Ayes:___ Nays:___ Absent:___
Wilkins: Ayes:___ Nays:___ Absent:___
Prunty: Ayes:___ Nays:___ Absent:___

Mark Bonne, Chairman

Tamir Bell, Vice Chairman

Gabrielle Torina

Janessa Wilkins

Aprel Prunty

Meeting of February 18, 2026
ZBA 002-26

FINDINGS OF FACT FOR DENIAL OF A SPECIAL USE PERMIT
FOR A PLANNED USE DEVELOPMENT CONSISTING OF A GROUND MOUNT SOLAR ARRAY WITHIN THE
EXISTING PARKING LOT
IN AN R-2, TWO-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 609 KILBURN AVENUE

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 will not 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 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 does not conform to the applicable regulations of the R2 District in which it is located.

**FINDINGS OF FACT FOR DENIAL OF A VARIATION TO
ALLOW A CHAIN-LINK FENCE WITHIN THE FRONT YARD ALONG ACORN STREET
IN AN R-2, TWO-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 609 KILBURN AVENUE**

Denial of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation 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.

**FINDINGS OF FACT FOR DENIAL OF A VARIATION TO
INCREASE THE FENCE HEIGHT FROM FOUR (4) FEET TO SIX (6) FEET WITHIN THE FRONT YARD ALONG
ACORN STREET
IN AN R-2, TWO-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 609 KILBURN AVENUE**

Denial of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation 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.