

## Rock Island Board of Zoning Appeals Agenda

Council Chambers (3<sup>rd</sup> Floor), City Hall

1528 3rd Avenue

June 14, 2023

5:30 PM



1. Call to Order and Roll Call
  - Gary Snyder
  - Nicole Parker
  - Kevin Day
  - Donald Mewes
  - Bill Sowards
  - Tanja Whitten
  - Pandora Lawrence
2. Public Comment
3. Opening Items
  - A. Approval of the Written Agenda for June 14, 2023  
*Recommended Motion: Move to approve the written agenda for June 14, 2023*
  - B. Approval of the April 12, 2023 Meeting Minutes  
*Recommended Motion: Move to approve the meeting minutes for April 12, 2023.*
4. Old Business
  - None*
5. New Business
  - A. 2023-08 Public Hearing: Richard Nunez of Radicle Effect LLC for 1340 31<sup>st</sup> Street – Variance to further reduce the number of parking spaces under the minimum off-street parking requirement by 3 spaces  
*Recommended Motion: Move to approve the variance with the identified stipulations*
  - B. 2023-09 Public Hearing: Skylar Willingham of Skylight Luxury Lounge LLC for 1325 30<sup>th</sup> Street – Variance of 90 feet of the 100 foot separation requirement between a bar and residentially zoned private property  
*Recommended Motion: Move to approve the variance*
  - C. 2023-10 Public Hearing: Darryl Taylor of 2140 23<sup>rd</sup> Avenue – Variance of 2 feet of the 6 foot setback requirement between a detached garage and a principle structure and a variance of 4 feet of the 6 foot setback requirement between a detached garage and an alleyway  
*Recommended Motion: Move to approve the variances with the identified stipulation*
  - D. 2023-11 Public Hearing: Ana Marceleno for 2703 & 2705 5 ½ Avenue – Variance of 2 feet of 4 foot maximum height for fences in the front yard and a variance of 20 feet of the 20 foot horizontal setback requirement for fences from the point of intersection of property lines on a corner lot.

*Recommended Motion: Move to deny the variances*

- E. 2023-12 Public Hearing: Brandon Albertson of Endeavor Management Group LLC for 3008 7<sup>th</sup> Avenue – Variance of 5 feet of the 6 foot setback requirement between an accessory structure and another building.

*Recommended Motion: Move to recommend that the City Council approve the variance with the identified stipulations*

6. Other Business

7. Adjournment

*Recommended Motion: Move to adjourn.*

**Rock Island Board of Zoning Appeals Minutes**

Council Chambers (3<sup>rd</sup> Floor), City Hall  
1528 3rd Avenue  
April 12, 2023  
5:30 PM



<b>Voting Members Present</b>	Gary Snyder Kevin Day Bill Sowards Tanja Whitten Pandora Lawrence
<b>Voting Members Absent</b>	Nichole Parker Don Mewes
<b>Staff Present</b>	Tanner Osing
<b>Guests</b>	

**Call to Order and Roll Call**

Chair Snyder called the meeting to order at 5:30 PM and read the roll call.

**Public Comment**

There was no one present to make any general public comments. The meeting continued.

**Approval of the Agenda**

Whitten moved to approve the written agenda for April 12, 2023. Vice Chair Day seconded the motion. The motion carried unanimously on a vote of 5 to 0.

**Approval of the Previous Meeting Minutes**

Vice Chair Day moved to approve the minutes for March 8, 2023. Whitten seconded the motion. The motion carried unanimously on a vote of 5 to 0.

**Old Business**

None

**New Business**

Chair Snyder explained the procedure to be followed for public hearings.

2023-07 Public Hearing: Angie Thorngren of Lamar Advertising Dubuque/Quad Cities for 310 15<sup>th</sup> Street – Authorized use of an outdoor advertising sign in a B-3 district, and variances of 10 feet of the 25 foot maximum height and 149 square feet of the 72 square foot maximum sign area allowed for outdoor advertising signs in a B-3 district.

Osing presented the staff report. He noted that the sign ordinance requires that outdoor advertising signs in B-3 zoning districts be considered as a use authorized by the Board of Zoning Appeals (Section 4-65). Additionally, the ordinance allows outdoor advertising

signs to only have a maximum sign area of 72 square feet and a maximum height of 25 feet as measured from grade level to the top of the sign (Section 4-65).

Osing also noted that the outdoor advertising sign is proposed to have a sign area of 221 square feet (10'6" by 21'), be 35 feet tall, and located near the northeast corner of the building. He commented that staff recommend approval of the authorized use and variances and read through the identified stipulations in the staff report.

Whitten asked about the size of the existing outdoor advertising sign that is planned to be removed at 1430 4<sup>th</sup> Avenue. Osing stated each sign face is approximately 80 square feet.

Vice Chair Day asked if the applicant could make the south side a digital poster as well. Osing commented that the south side being digital was not identified in the proposal with the request, so he believed the applicant would need to amend their proposal with the variance request if that was to change. Vice Chair Day disagreed and noted that the Board was only considering variances for the height of the sign and size. The Board members discussed the nature of the request. Osing commented that the Board could stipulate that only the north side could be digital if they found it necessary for approval.

Whitten asked about the size of a similar sign on 46<sup>th</sup> Avenue and 30<sup>th</sup> Street.

Chair Snyder called for the applicant.

Angie Thorngren of Lamar Advertising of Dubuque/Quad Cities was sworn in. Thorngren noted that the proposed sign is planned to be the same size as the sign on 46<sup>th</sup> Avenue and 30<sup>th</sup> Street. She explained the reasoning for needing a taller sign to be above the existing building line and noted that local business owners have asked Lamar Advertising to have a digital presence in downtown Rock Island. She explained other processes for leasing the area for the sign and the State regulations. Thorngren also noted that there is no desire to make the south side a digital poster.

Whitten asked what would be advertised on the sign. Thorngren noted that it depends on what business is interested in advertising. She noted that the digital poster is good for businesses because they can advertise specials and deals instantaneously, and is also helpful for public service messaging.

Lawrence commented that the digital billboard on 46<sup>th</sup> Avenue has a nice appearance and allows for important messaging to be relayed.

Vice Chair Day asked Osing if the sign area variance needed to be increased so QC Mart's signage would not be affected. Osing noted that the on-premise sign area is a different calculation.

Whitten noted concerns about the size of the sign, but appreciated the idea of different messaging. Lawrence noted that the size of the sign is likely good for visibility.

As there were no other questions and one else wished to speak, Chair Snyder closed the public hearing and called for a motion.

Decision Case 2023-07- Whitten made a motion to authorize the use and approve the variances because:

1. Reasonable Return: The proposed authorized use & variances will improve the return on the property.
2. Character Alteration: The proposed authorized use & variances will not alter the character of the neighborhood.

Whitten also included the following stipulations for approval:

1. Lamar Advertising shall remove the existing outdoor advertising sign at 1430 4<sup>th</sup> Avenue (PIN 0735119007) before erecting the sign at 310 15<sup>th</sup> Street (PIN 0735112003).
2. The north facing digital billboard shall contain a default mechanism to show a "full black" image or turn the sign off in case of a malfunction, or the sign shall be manually turned off within twelve (12) hours of a reported malfunction.
3. The north facing digital billboard shall hold a static image for a minimum of twelve (12) seconds, and shall not function as an animated sign. The transition from one image to the next must occur in one (1) second or less and shall be instantaneous. The transition between images shall not include scrolling, fading in, dropping in, or other transitions deemed similar.
4. The sign shall be illuminated at a level no greater than 0.3 footcandles using a footcandle (Lux) meter over ambient light levels at 150 feet from sign light source. The sign manufacturer, vendor, or installer shall submit written certification that the sign has been designed to not exceed the luminance level and that the sign is equipped with a sensor device so that the sign's luminance will automatically adjust to ambient light conditions.
5. The sign shall not create such intensity or brilliance that impairs vision, conflicts with an official traffic sign or device, or causes unusual distraction which may interfere with the safe operation of a motor vehicle or enjoyment of personal property. If a sign is perceived to conflict with these visibility standards, as determined by the Planning & Zoning Manager or designee, the sign's luminance shall be adjusted to levels suitable for the surroundings or circumstances regardless of the maximum allowable luminance level established by other City Ordinances or stipulations herein.

Lawrence seconded the motion.

Chair Snyder called for a vote on the motion. The motion passed unanimously on a vote of 5 to 0 (Sowards, Whitten, Lawrence, Day, and Snyder).

### **Other Business**

Osing clarified the motion for the approval of the minutes. Whitten noted that she seconded the motion.

Osing noted that he expects there to be 5 cases for the May meeting.

Osing also clarified the relationship between an applicant's specific proposal and the requested variances. Vice Chair Day commented that the Board only variances the specific requirements of the ordinance.

**Adjournment**

Chair Synder asked for a motion to adjourn. Sowards moved to adjourn. Vice Chair Day seconded the motion. The motion carried unanimously on a vote of 5 to 0 at 6:01 PM.

Minutes submitted by Tanner Osing.

DRAFT

**Memorandum**  
**Community and Economic Development Department**  
**To:** Rock Island Board of Zoning Appeals.  
**Subject:** Case #2023-08: Variance Request  
**Date:** June 9, 2023



---

Applicant:

Richard Nunez of Radicle Venture, LLC

Location:

1340 31<sup>st</sup> Street

Request:

The request is for a variance to further reduce the number of parking spaces under the minimum off-street parking requirement for a bar/tavern in order to build a permanent outdoor patio on the west side of the building. There are currently eight (8) parking spaces on the property. The proposed outdoor patio would eliminate three (3) of those parking spaces, so five (5) parking spaces would remain.

Size of Property:

The property measures 50' x 140' (7,000 square feet).

Zoning History:

Rich Nunez received approval of a Special Use Permit to operate a microbrewery in a B-1 neighborhood business district in March 2023. The property also received a variance of 100 feet of the 100 foot separation requirement between a micro-brewery and residentially zoned private property in March 2023.

Existing Land Use and Zoning:

The site is occupied by a 1-story commercial building and is used as a micro-brewery called Radicle Effect Brewwerks. The site is zoned B-1 (neighborhood business) district. To the north and east of the property are residential dwellings zoned R-2. To the south and west of the property are restaurants, an office, and retail shops zoned B-1.

Topography:

The site is flat and slightly above street level.

Affected Requirements:

The Zoning Ordinance requires one parking space for every 75 square feet of floor area or for every two persons allowed by fire code for restaurant, taverns and night club uses. (Chapter 11, Section 17-D). The building has a maximum occupancy of 99 people so 50 parking spaces would normally be required.

Conditions to Authorize Variances:

1. Reasonable Return: The variance will improve the return on the property by allowing for permanent outdoor seating.
2. Unique Circumstances: None.

3. Character Alteration: The variance will not alter the character of the neighborhood.

Analysis:

The applicant, Richard Nunez, already has a temporary patio on the west side of the building that is used during spring, summer and early fall. There are also two outdoor pavilion tables on the same side that are available year-round. The temporary patio was originally put in place during the COVID-19 pandemic to continue offering on-site seating for customers that was compliant with the health and safety requirements at the time. Even without indoor gathering restrictions in place, the business owner continues to use the temporary patio setup as they see increased revenue when it's in use. The applicant now wishes to make the temporary patio a permanent one.

While the proposed permanent patio will eliminate three (3) parking spaces, the business is already well under the 50 spaces that are required by the Zoning Ordinance. There is on-street parking adjacent to the property along 14<sup>th</sup> Avenue. The applicant also maintains good relationships with neighboring commercial property owners for additional parking arrangements. Staff believe the elimination of the parking spaces will not have a negative effect on the neighborhood, and that the investment in a permanent patio will allow continued growth for the business.

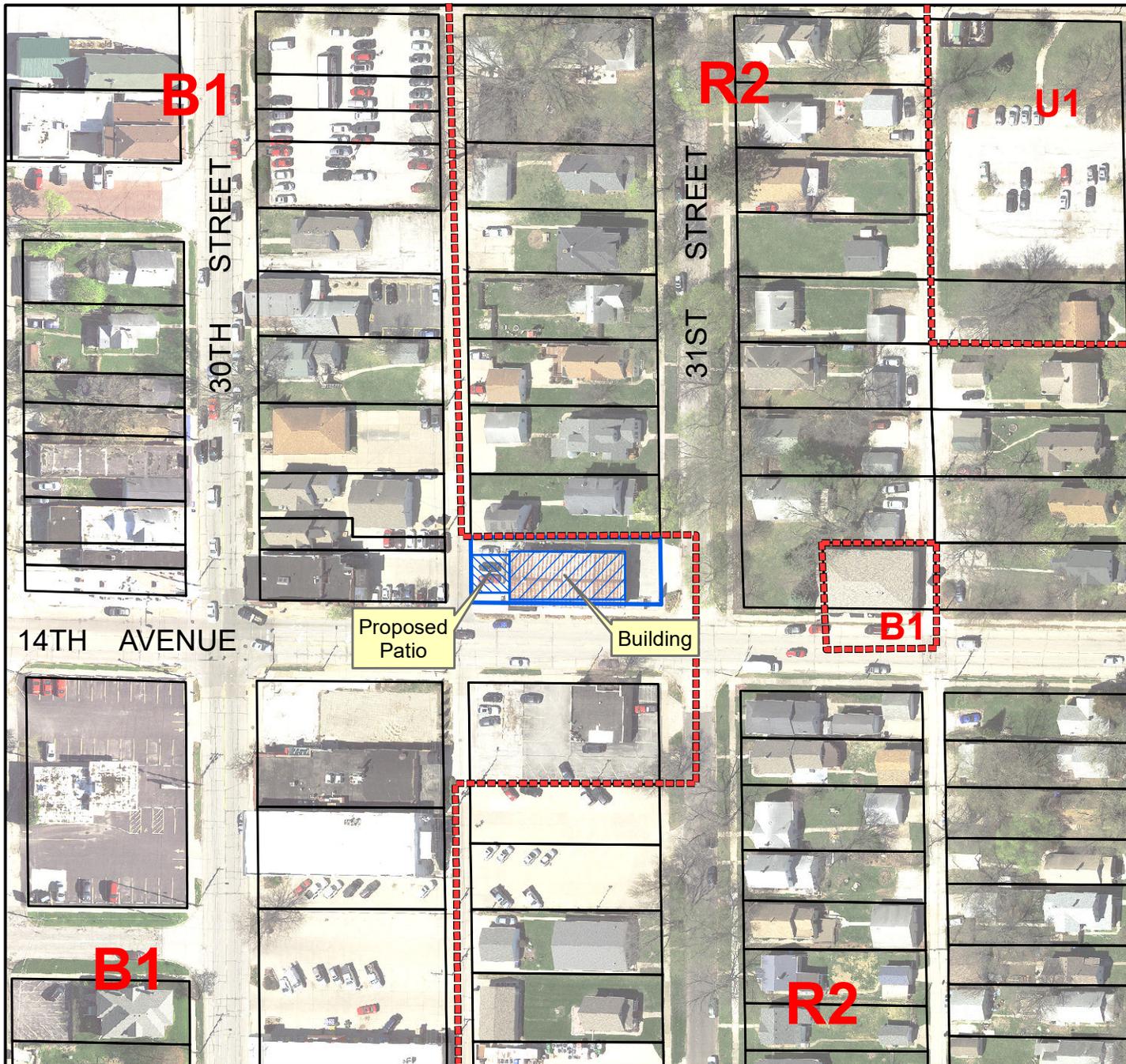
**Recommendation:**

Staff recommend that the Board approve the variance with the following stipulations because it will improve the return on the property and not alter the character of the neighborhood.

1. The three (3) parking spaces eliminated shall be on the west side of the building.
2. The area used to eliminate the parking spaces shall be used for a permanent patio with table seating.
3. The permanent patio shall be enclosed with a 3 ½ to 4 ½ foot fence with the exception of any openings necessary for access.
4. An accessible parking space, compliant with State of Illinois Law, shall remain on the west side of the building.
5. Four (4) parking spaces shall remain for employees and/or customers on the east side of the building.

**Submitted by:** Tanner Osing, Planning & Zoning Manager

# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS

2023-8 Aerial

### Legend

-  Subject Property
-  Zoning District



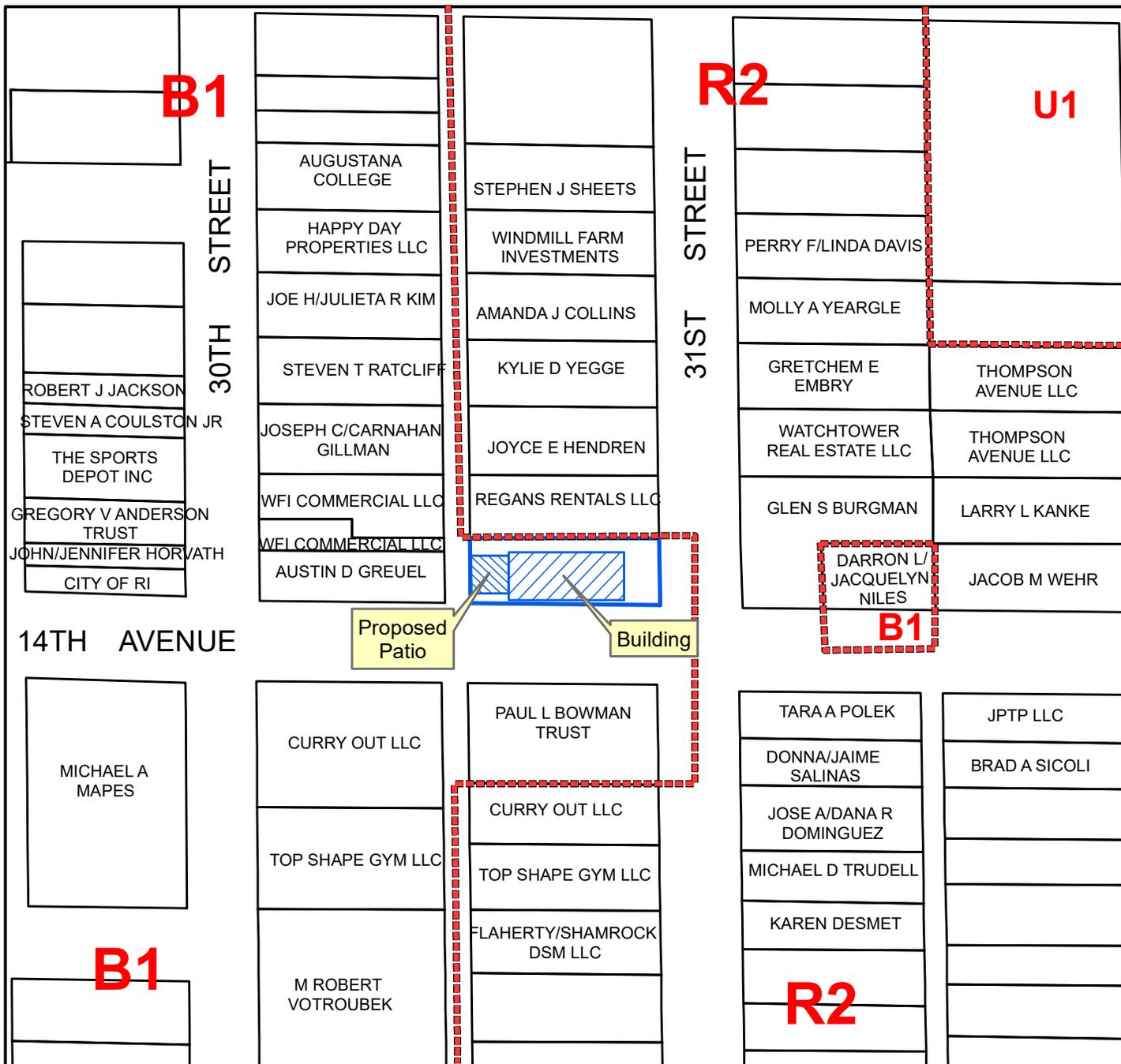
0 25 50 100 150 Feet

## City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS

### 2023-8

**Legend**

- Subject Property
- Zoning District





0 25 50 100 150 Feet

## City of Rock Island

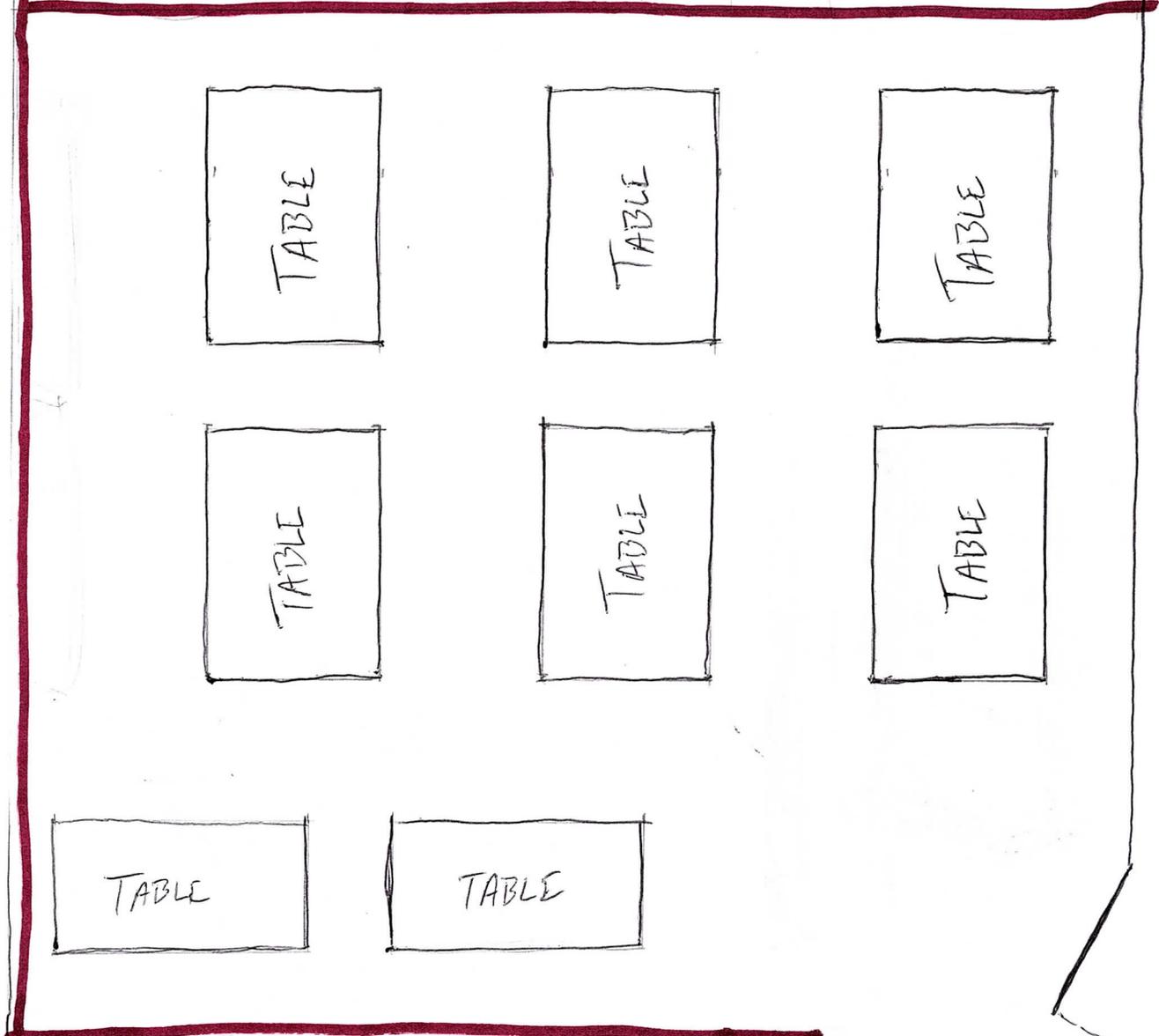
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning and Redevelopment





Figure 1: View of temporary patio setup on the property.

ALLEY



TABLE

TABLE

TABLE

TABLE

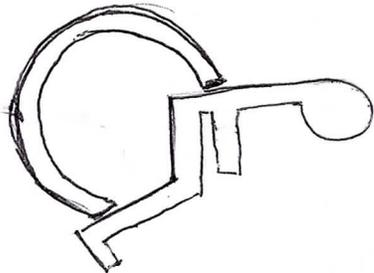
TABLE

TABLE

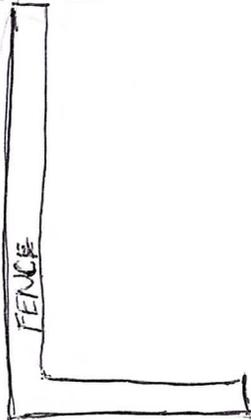
TABLE

TABLE

PARKING



FENCE



14TH AVENUE

RADICLE EFFECT

**Memorandum**  
**Community and Economic Development Department**  
**To:** Rock Island Board of Zoning Appeals.  
**Subject:** Case #2023-09: Variance Request  
**Date:** June 9, 2023



---

Applicant:  
Skylar Willingham of Skylight Luxury Lounge, LLC

Location:  
1325 30<sup>th</sup> Street

Request:  
The request is for a variance of 90 feet of the 100 foot separation requirement between the building and outdoor storage of a bar and residentially zoned private property. The applicant proposes to continue the use of a wine bar without a restaurant element in a B-1 (neighborhood business) district within 100 feet of residentially zoned private property.

Size of Property:  
The property measures 40 x 140' (5,600 square feet).

Zoning History:  
None. However, the applicant is also going through the Special Use Permit process since the Zoning Ordinance does not allow a bar without a restaurant element as a permitted use in a B-1 district. The Planning Commission unanimously recommended approval of the Special Use Permit at their June 7<sup>th</sup> meeting. The permit will now go before the City Council for final approval.

Existing Land Use and Zoning:  
The site is occupied by a 2-story mixed use building that includes the applicant's business, another retail space on the ground floor, and apartments on the second floor. The site is zoned B-1 (neighborhood business) district. To the north and west of the property are retail shops zoned B-1. To the south of the property are restaurants and an office zoned B-1. To the east of the property is a micro-brewery and residences zoned B-1 and R-2.

Topography:  
The site is flat and slightly above street level.

Affected Requirements:  
The Zoning Ordinance requires that there be a 100-foot separation standard between the buildings and outdoor storage of a bar and residentially zoned private property (Chapter 18, Section 2-D).

Conditions to Authorize Variances:

1. Reasonable Return: The proposed variance will improve the return on the property.
2. Unique Circumstances: None.
3. Character Alteration: The proposed variance will not alter the character of the neighborhood.

Analysis:

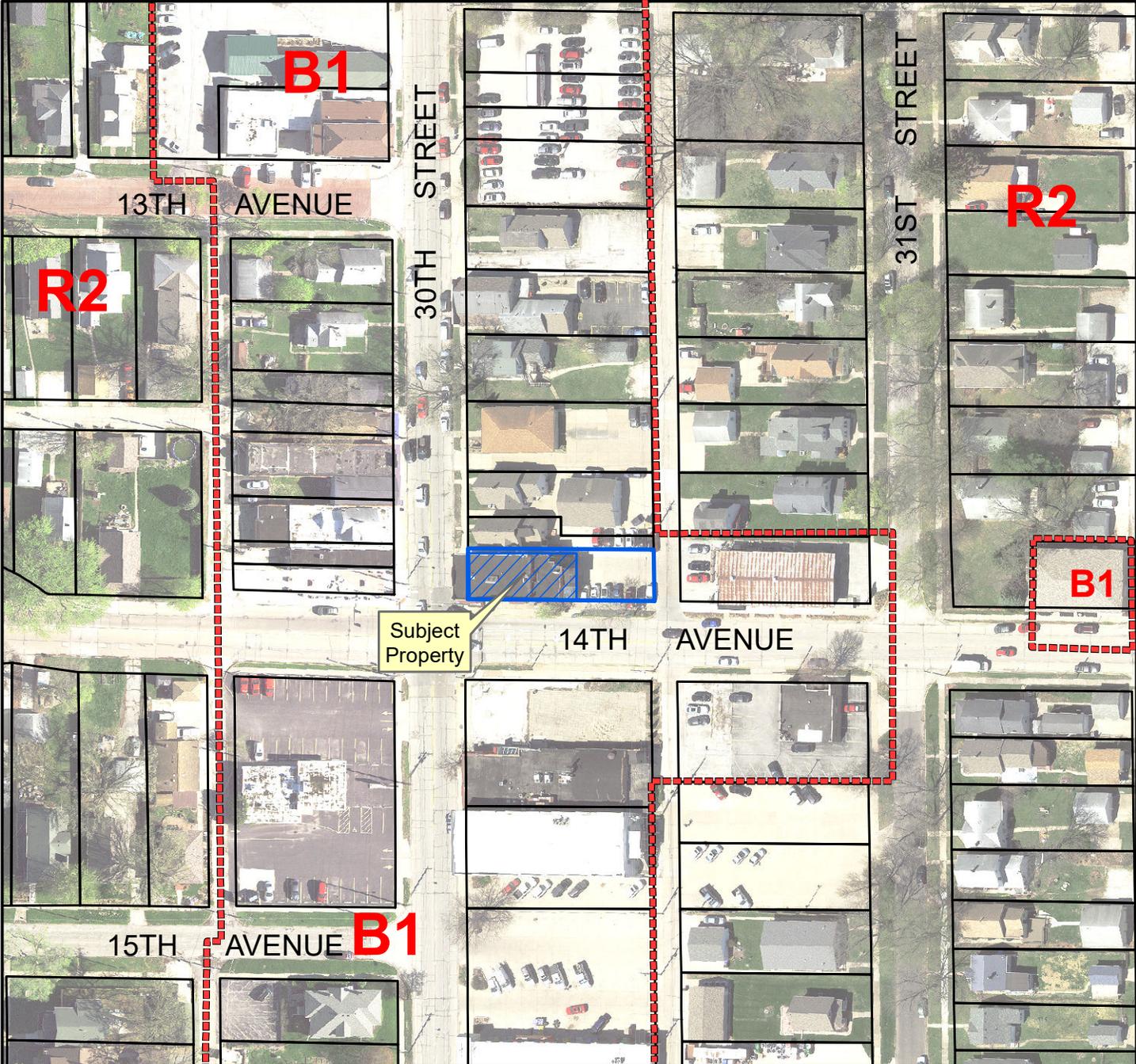
The applicant proposes to continue the use of the existing wine bar, Skylight Luxury Lounge, that serves a variety of wine and over beverages. However, the applicant plans to limit the current menu of small plates which will make it so the business can no longer be considered a restaurant. Skylar Willingham originally approached staff in the Fall of 2022 when the business opened, and staff determined the menu to be substantial enough for the business to be considered a restaurant. A separation requirement between the business and residential property was not needed at that time. However, with the reduced menu, the wine bar will be without a restaurant element. The wine bar is within approximately 20 feet of a residential zoning district, so a variance is now needed. Staff believe the variance will not alter the character of neighborhood as there are many commercial spaces nearby with some being bar/restaurant uses. The variance will also allow for continued success of the existing business.

**Recommendation:**

The Community & Economic Development Department recommends that the Board approve the variance because it will improve the return on the property and not alter the character of the neighborhood.

**Submitted by:** Tanner Osing, Planning & Zoning Manager

# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-9 Aerial

-  Subject Property
-  Parcels
-  Zoning District



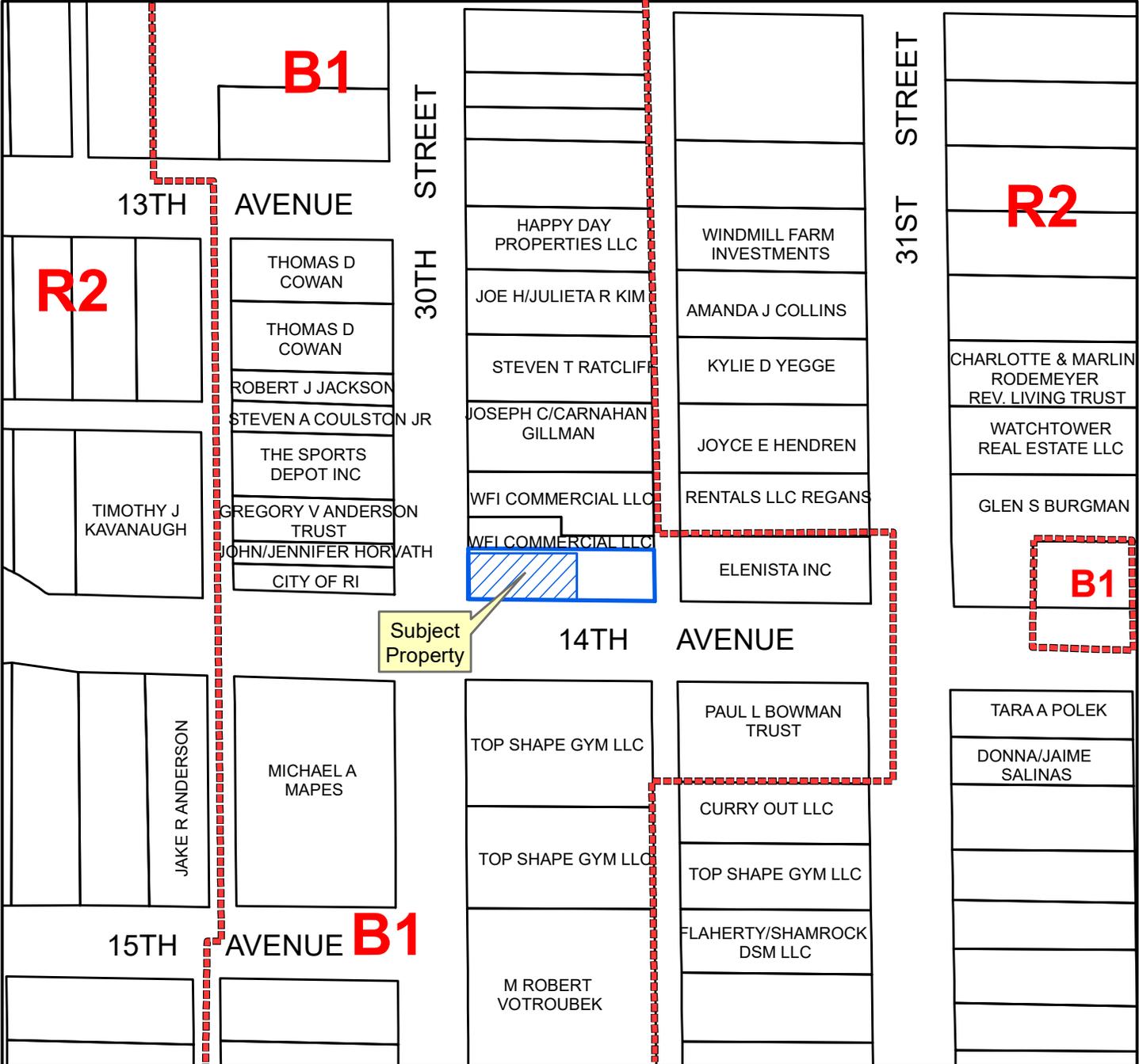
0 25 50 100 150 Feet

### City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



# BOARD OF ZONING APPEALS



Subject Property

## BOARD OF ZONING APPEALS

### 2023-9

- Subject Property
- Parcels
- Zoning District



0 25 50 100 150 Feet



## City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



ROCK ISLAND ILLINOIS

**Memorandum**  
**Community and Economic Development Department**  
**To:** Rock Island Board of Zoning Appeals.  
**Subject:** Case #2023-10: Variance Request  
**Date:** June 9, 2023



---

Applicant:  
Darryl Taylor

Location:  
2140 23<sup>rd</sup> Avenue

Request:  
The request is for a variance of 2 feet of 6 foot minimum setback requirement between a detached garage and a principal structure and a variance of 4 feet of the 6 foot minimum setback requirement between a detached garage and an alleyway. The applicant proposes to build a 24' by 30' detached garage in the rear yard that will be setback approximately 4 feet from the principal structure and 2 feet from the alleyway.

Size of Property:  
The property measures 50' by 113' feet (5,650 square feet).

Zoning History:  
None.

Existing Land Use and Zoning:  
The property is occupied by a 1 ½ story residential dwelling with a two and a half car garage in the rear yard. The property is zoned R-1 (one unit residential) district. To the north, south, east, and west of the property are residential dwellings zoned R-1.

Topography:  
The site is slopes uphill from north to south and sits approximately six (6) feet above street level as viewed from 23<sup>rd</sup> Avenue.

Affected Requirements:  
The Zoning Ordinance requires accessory structures to be setback 6 feet from a principal building and an alleyway (Chapter 11, Section 6).

Conditions to Authorize Use & Variances:

1. Reasonable Return: The proposed garage will improve the return on the property.
2. Unique Circumstances: There are unique circumstances. The property is located at the dead end of an alleyway. If the property abutted another property line instead of an alleyway only a three (3) foot setback would be required. The current garage on the property also has a nonconforming setback from the principle building of four (4) feet.

3. Character Alteration: The proposed garage will not alter the character of the neighborhood.

Analysis:

The existing garage is approximately 20'2" by 23'4", and was recently damaged by a fallen tree due to the tornado that went through the City in April. The applicant wishes to expand the current 2 ½ car garage to a 3 car garage to be able to store two vehicles and a small boat.

The property is at the dead end of an alleyway, so there is very minor traffic at the end. The current garage on the property also has a nonconforming setback from the principle building of approximately four (4) feet. There is no zoning record on if the garage received a variance in the past. It could have been constructed when the dwelling was first constructed, which may have preceded zoning regulations. Additionally, there are similar garages to the one proposed by the applicant on the two properties directly to the east.

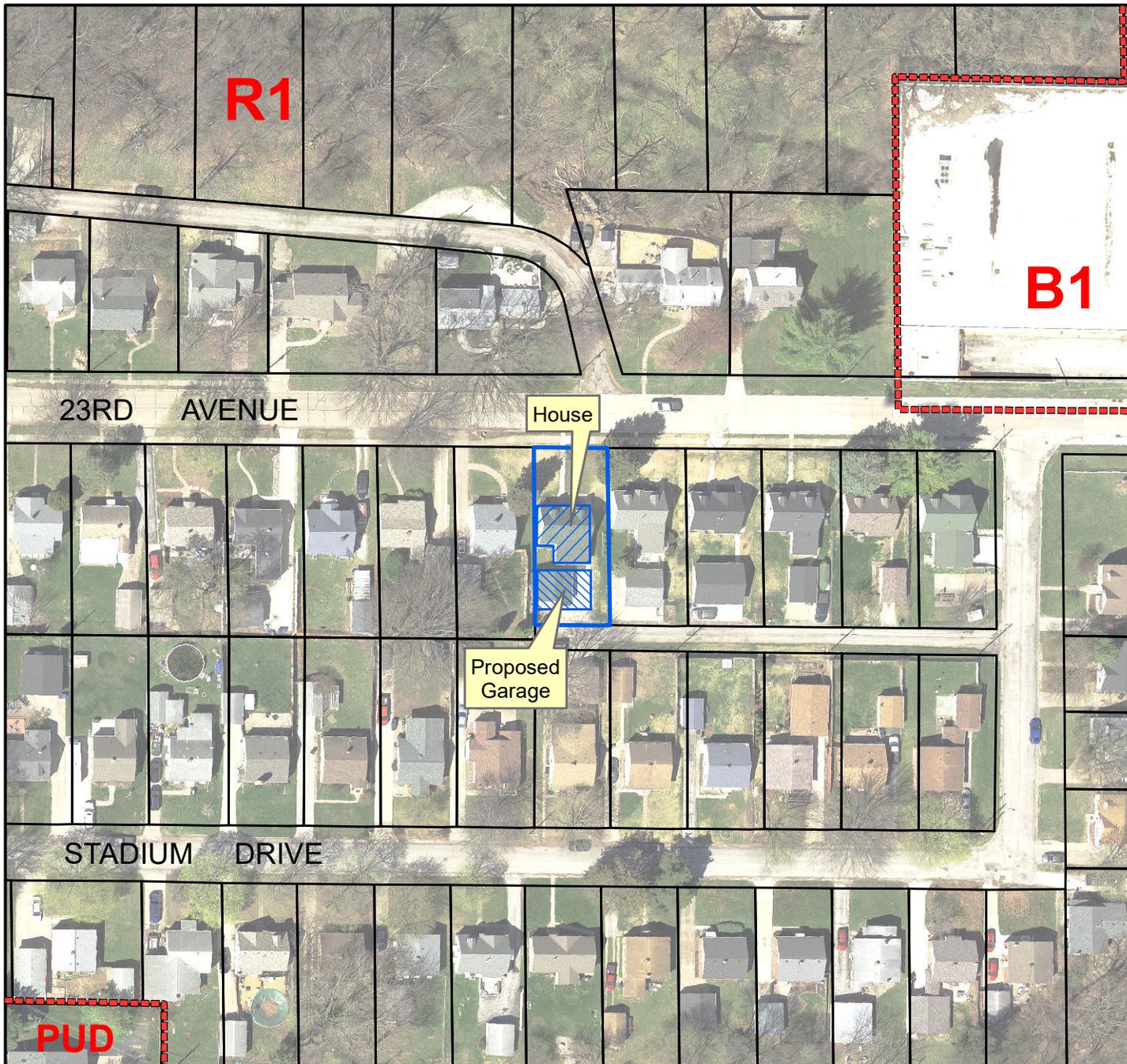
**Recommendation:**

The Community & Economic Development Department recommends that the Board approve the variances with the following stipulation because the proposed garage will improve the return on the property and not alter the character of the neighborhood, and there are unique circumstances.

1. The requested variances shall only apply to the proposed 24' by 30' detached garage and no other accessory structure on the property.

**Submitted by:** Tanner Osing, Planning & Zoning Manager

# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-10 Aerial

-  Subject Property
-  Parcels
-  Zoning District



0 25 50 100 150 Feet

## City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS

### 2023-10

- Subject Property
- Parcels
- Zoning District



0 25 50 100 150 Feet



## City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning and Redevelopment

Blue → Old Garage  
~~Orange → New Garage~~  
Red → New Garage

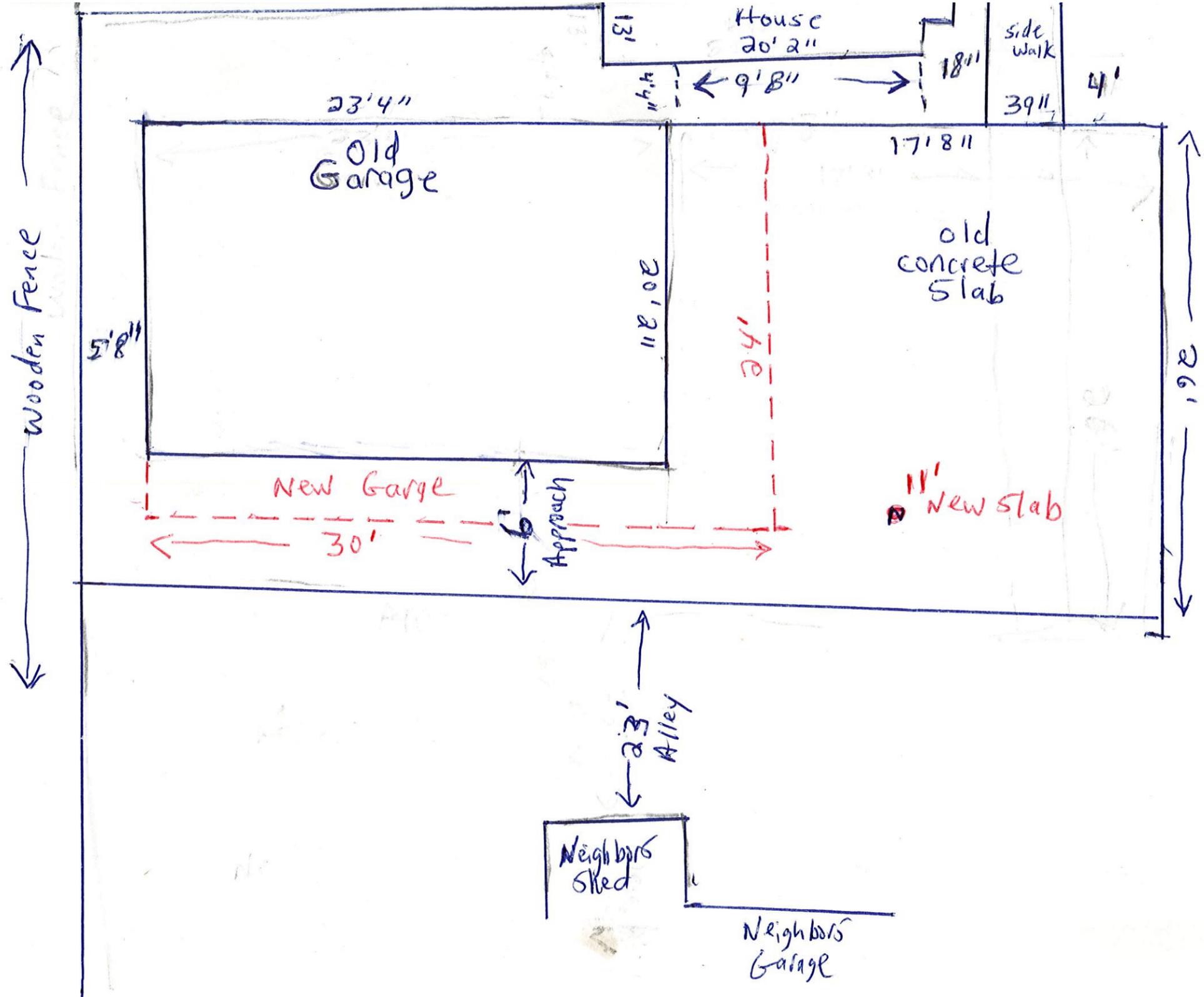




Figure 1: View of existing garage at 2140 23rd Avenue.



Figure 2: View of existing setback between the garage and the house.

**Memorandum  
Community and Economic Development Department**

**To:** Rock Island Board of Zoning Appeals.

**Subject:** Case 2023-11: Variance Request

**Date:** June 9, 2023



Applicant:

Ana Marceleno

Location:

2703-2705 5 1/2th Avenue

Request:

The request is for a variance of 2 feet of 4 foot maximum height for fences in the front yard and a variance of 20 feet of the 20 foot horizontal setback requirement for fences from the point of intersection of property lines on a corner lot.

Size of Property:

The property is two parcels that function as one residential property measuring 62' by 44.75' and 126' by 44.75' (8,413 square feet).

Zoning History:

None.

Existing Land Use and Zoning:

The property is zoned R-2 (one- and two-unit residential) district with single family house and a garage off the alleyway. To the north is a mix of business and residences zoned B-3 (community business) district and one unit dwellings zoned R-2 (one to two unit residential) district. To the south, east, and west area residences zoned R-2.

Topography:

The site is flat and sits slightly above street level.

Affected Requirements:

The Zoning Ordinance requires that fences located in a yard adjacent to a public street of residential zoned property be no more than 4 feet in height and not placed within the triangular area formed by right-of-way lines and a line connecting them at a point 20 feet from the intersection of the lines (Chapter 11, Section 13).

Conditions to Authorize Use & Variances:

1. Reasonable Return: The property can yield a reasonable return without the variances.
2. Unique Circumstances: The property is a corner lot with two front yards.
3. Character Alteration: The existing fence alters the character of the neighborhood.

Analysis:

The applicant proposes to maintain an existing six (6) foot tall, tight board wooden fence adjacent to 27<sup>th</sup> Street and 5 1/2<sup>th</sup> Avenue, and also maintain the portion of the fence that meets at the point of intersection of the property lines adjacent to 27<sup>th</sup> Street and 5 1/2<sup>th</sup> Avenue (see attached photos). The applicant originally put up the noncompliant fence in 2022. Staff became aware of the fence in the Spring of 2023 when a complaint was received regarding the fence causing traffic visibility issues at the intersection. The complainant noted that it's difficult to see southbound traffic coming from 5<sup>th</sup> Avenue. The applicant requests to maintain the existing fence due to the desire for added security and safety for their children, a buffer from nearby businesses along 5<sup>th</sup> Avenue, and privacy for a potential day care home.

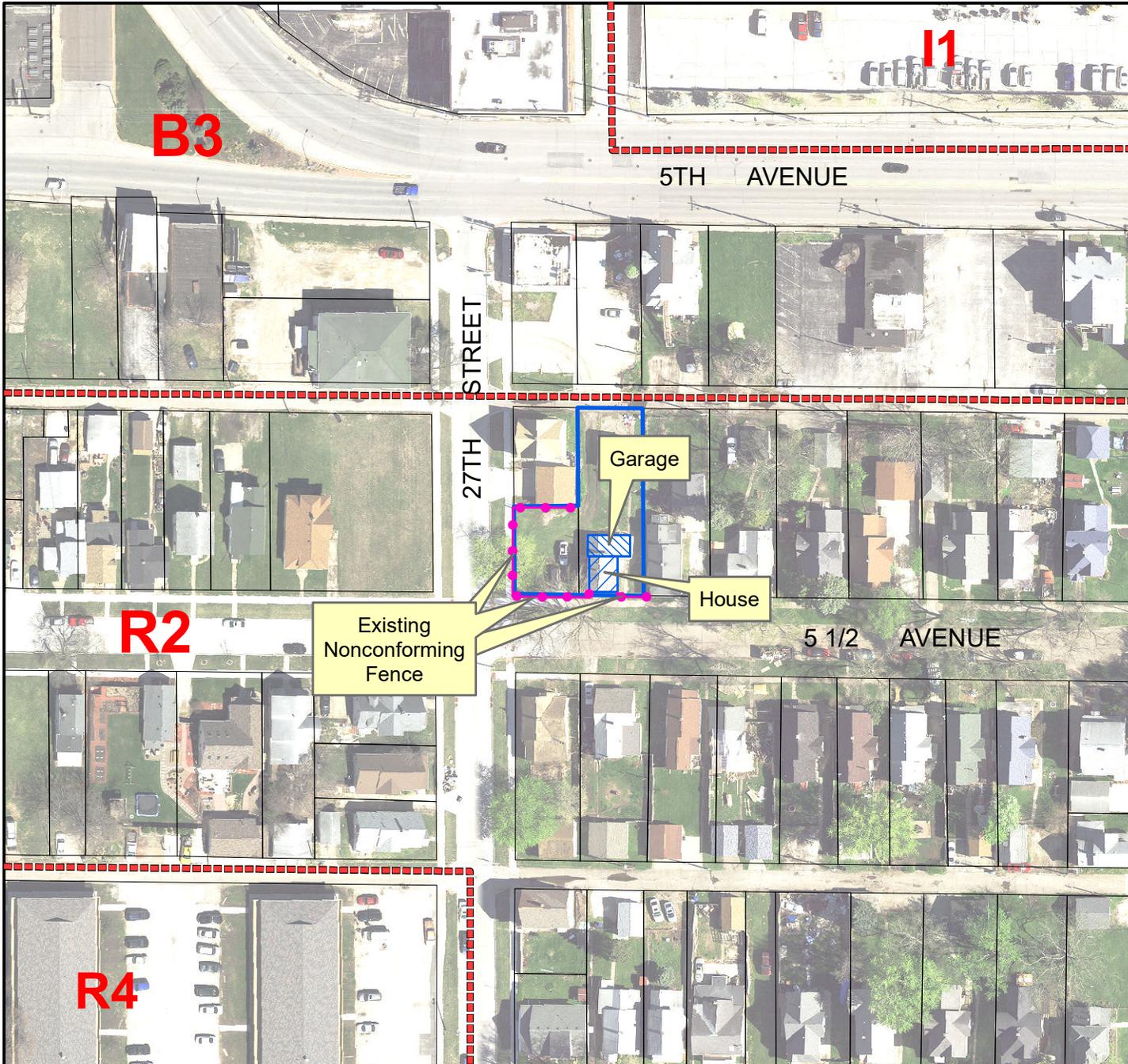
Staff believe the property can yield a reasonable return without the variances and that maintaining the existing fence alters the character of the neighborhood as a four (4) foot fence would still offer security and privacy, and meet the requirements for a day care home as regulated by the State of Illinois. Additionally, the fence infringing on the required setback area at the intersection poses traffic visibility issues. The corner lot has ample area for this requirement to be met.

**Recommendation:**

The Community & Economic Development Department recommends that the Board deny the variances because the property can yield a reasonable return without the variances and existing fence alters the character of the neighborhood.

**Submitted by:** Tanner Osing, Planning & Zoning Manager

# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-11 Aerial

### Legend

-  Subject Property
-  Parcels
-  Zoning District

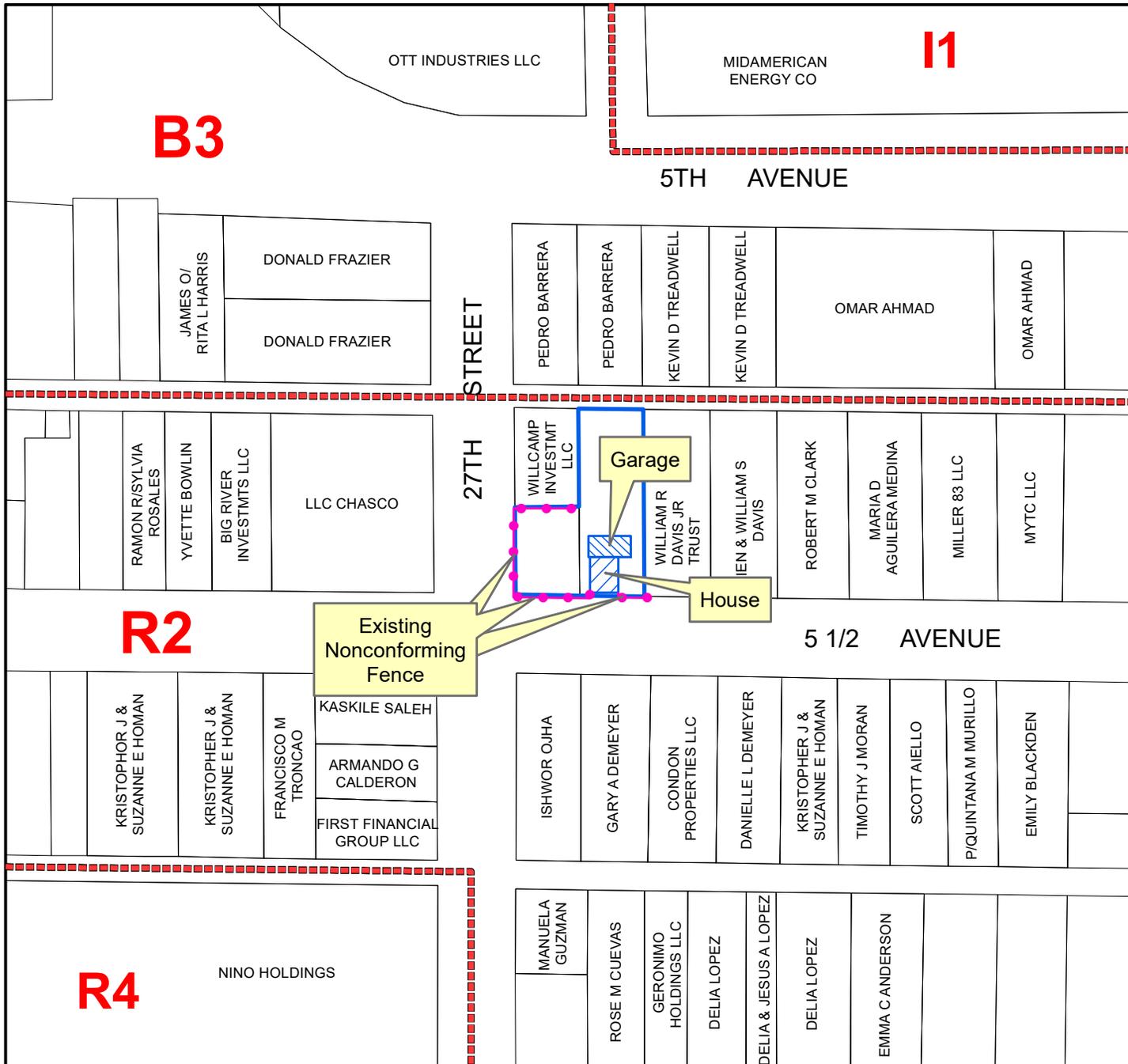


## City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-11

### Legend

-  Subject Property
-  Parcels
-  Zoning District



## City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment





Figure 1: Photo of the fence at the intersection of 5 1/2th Avenue & 27th Street.



Figure 2: Photo of the fence at the intersection approaching 27th Street.



Figure 3: Photo of the house and fence looking northwest from 5 1/2th Avenue.



Figure 4: Photo of the fence looking southeast from 27th Street.

## FENCE REGULATIONS IN RESIDENTIAL ZONING AREAS

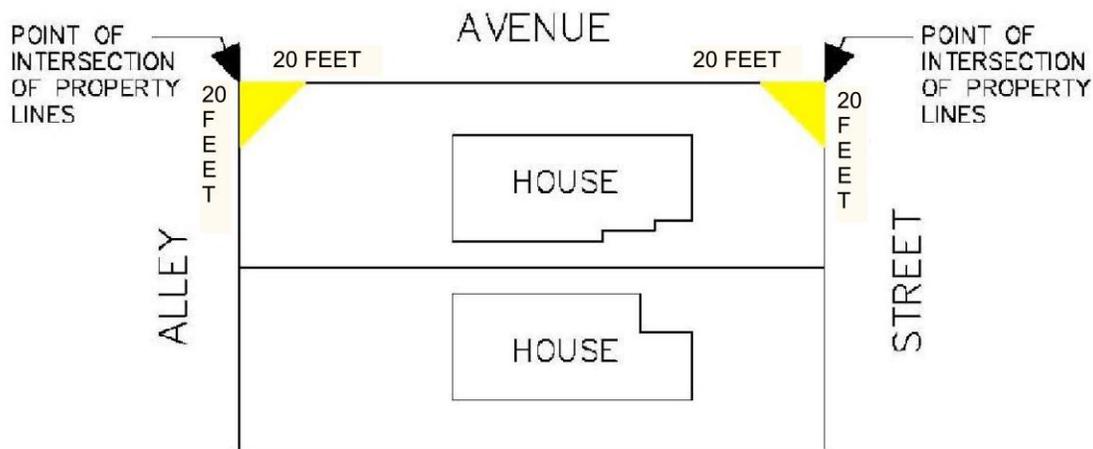
### Chapter 11 of the Rock Island Zoning Ordinance Regulates the Height and Location of Fences in Residential Zoning Districts. The Section Is as Follows:

Fences and walls located in a front yard of residential and college and university zoned property shall be no more than four feet in height and the smooth, finished, non-structural or dressed side of a fence, if any, shall be directed toward the neighboring properties and/or the street. Fences and walls shall not exceed six feet in height above the natural grade level in any side yard or rear yard, and the smooth, finished, non-structural side, if any, should also be directed toward the neighboring properties. All fences and walls may be placed up to the property line except in cases of a corner lot.

#### Zoning Ordinance Policy on Fences at Intersections (corner lots)

Fences and walls may be placed up to the property line except in cases of a corner lot, where they shall be set back twenty (20) feet horizontally from the property lines where they intersect on a street corner. Fences and walls along rear lot lines extending along alleys shall not project within twenty (20) feet of the property lines where there is an alley and street or two intersecting alleys.

For chain link and some picket fences four feet or less in height located at intersections of two streets, or streets and alleys, staff can make an administrative determination if a variance of the 20-foot horizontal setback along property lines will or will not be necessary. This policy is based on the see-through nature of chain link, or some picket fences.



**Memorandum**  
**Community and Economic Development Department**  
**To:** Rock Island Board of Zoning Appeals.  
**Subject:** Case 2023-12: Variance Request  
**Date:** June 9, 2023



---

Applicant:

Brandon Albertson of Endeavor Management Group, LLC

Location:

3008 7<sup>th</sup> Avenue

Request:

The request is for a variance of 5 feet of 6 foot minimum setback requirement between an accessory structure and another building. The applicant proposes to build an open air pergola, approximately 25' by 50', that is setback 1 foot from the south building on the property.

Size of Property:

The property measures 150' by 192' feet (28,880 square feet).

Zoning History:

In 2022, the site had a variance approved to locate two principal structures on one parcel in a B-3 (community business) district.

Existing Land Use and Zoning:

The property is occupied by a pub/restaurant with two principal buildings and one accessory building. The property is zoned B-3 (community business) district. To the north is Webber Park zoned C-1 (park conservation) district and one unit dwellings zoned R-2 (one to two unit residential) district. To the east and south is a funeral home zoned B-3. To the west are residences zoned R-2 and R-3 (one to six unit residential) districts.

Topography:

The site slopes uphill from north to south by approximately six (6) feet and sits above street level as viewed from 7<sup>th</sup> Avenue.

Affected Requirements:

The Zoning Ordinance requires a 6 foot setback between an accessory structure and any other building or structure on a lot (Chapter 11, Section 6).

Conditions to Authorize Use & Variances:

1. Reasonable Return: The proposed pergola will improve the return on the property.
2. Unique Circumstances: None.
3. Character Alteration: The proposed pergola will not alter the character of the neighborhood.

Analysis:

The applicant/business owner proposes to build a 25' by 50' pergola to offer covered outdoor seating to patrons. The business has seen an increased demand for outdoor seating, especially during the months of spring, summer, and early fall. There is already existing outdoor table seating where the pergola is proposed to be located. Staff believe that the investment in the pergola will allow for continued growth of the business, and not have a negative effect on the surrounding neighborhood.

Since the business zoned property is over 20,000 square feet, the Board's vote will be in the form of a recommendation to the City Council for final action.

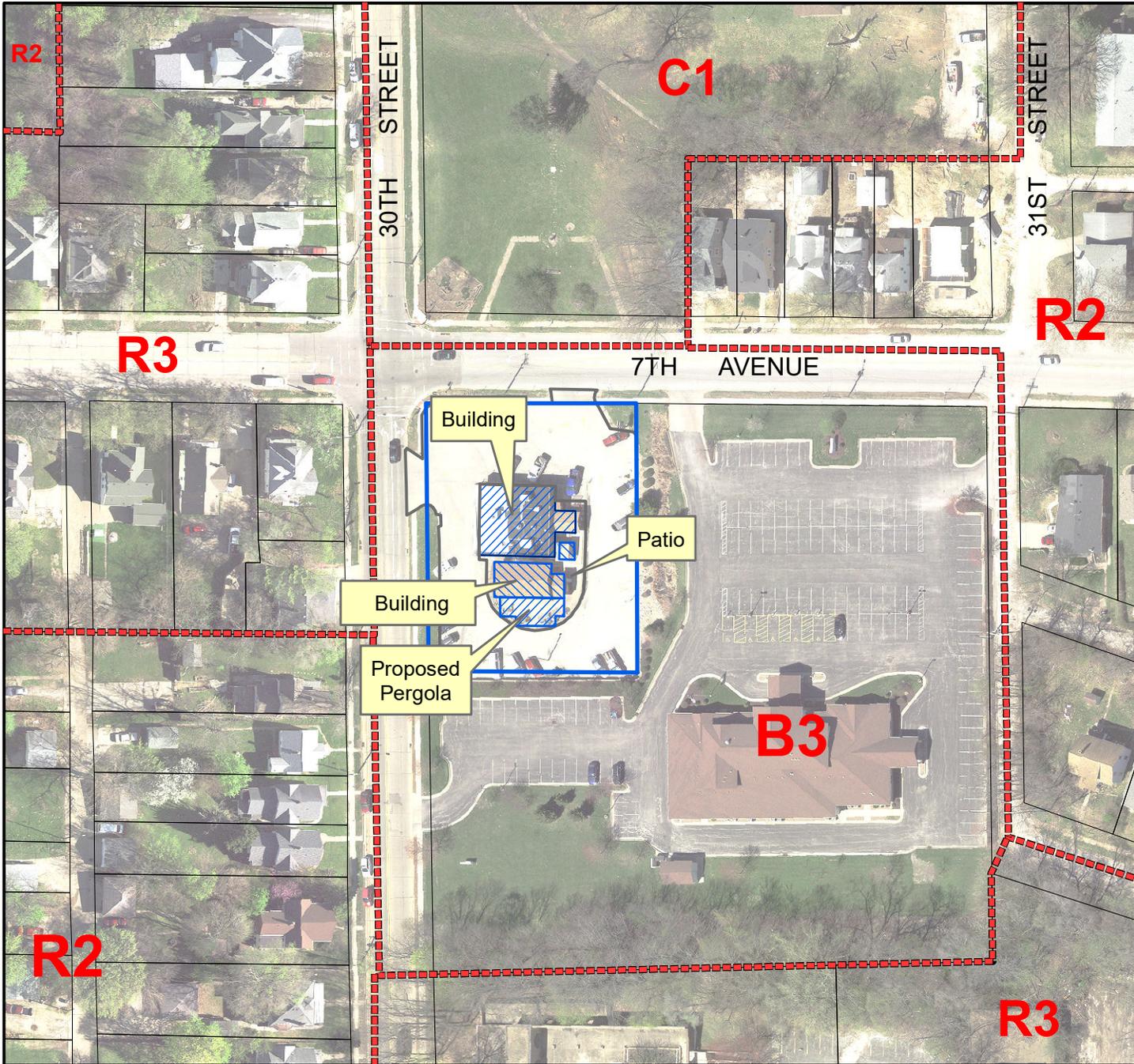
**Recommendation:**

The Community & Economic Development Department recommends that the Board pass a recommendation that the City Council approve the variance with the following stipulations because it will improve the return on the property and not alter the character of the neighborhood.

1. The requested variances shall only apply to the proposed 25' by 50' open pergola and no other accessory structure on the property.
2. The proposed pergola shall be located directly to the south of the south principal building on the property.

**Submitted by:** Tanner Osing, Planning & Zoning Manager

# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS

### 2023-12 Aerial

**Legend**

-  Subject Property
-  Parcels
-  Zoning District



0 25 50 100 150 Ft

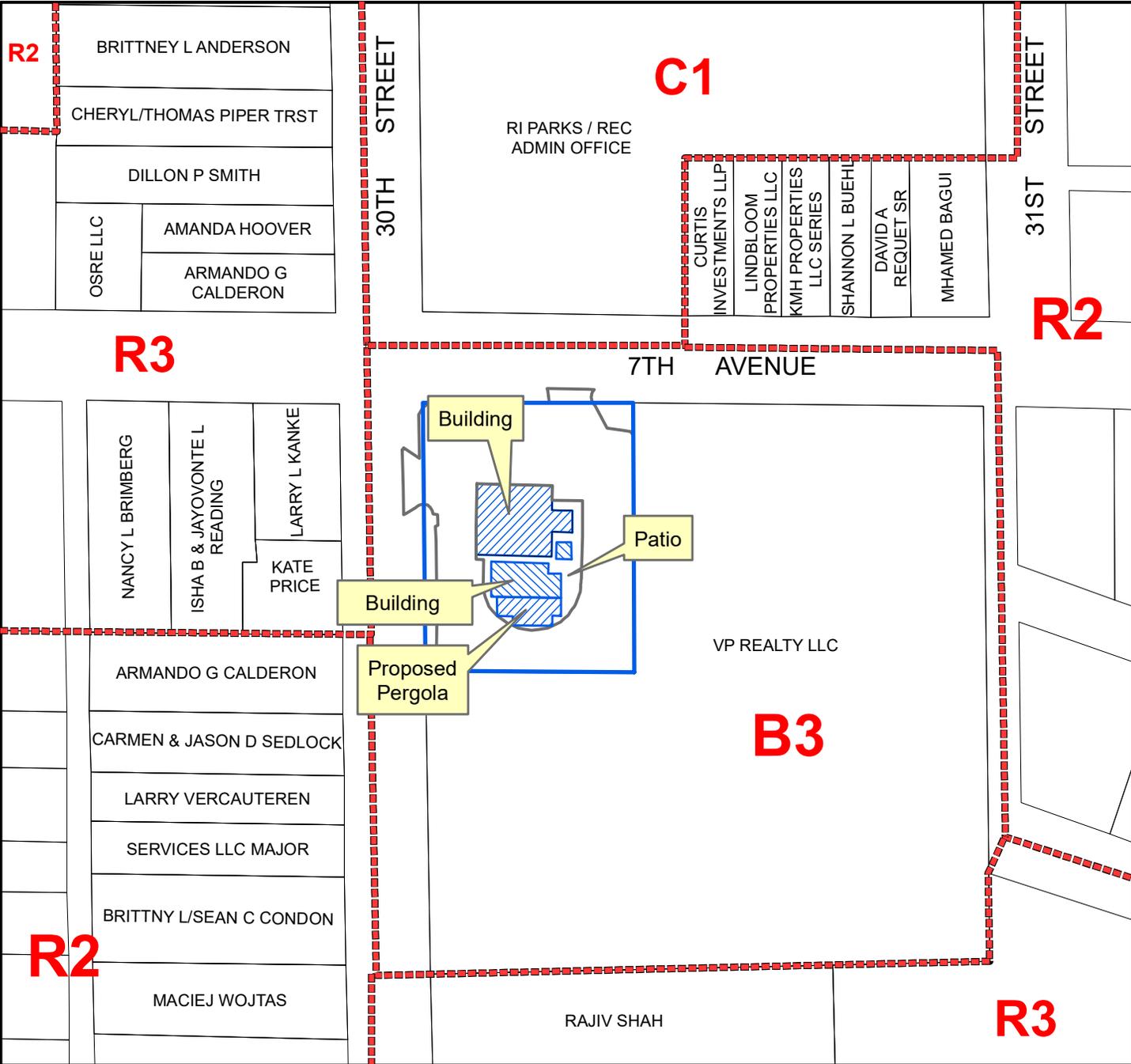


## City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-12

**Legend**

- Subject Property
- Parcels
- Zoning District

0 25 50 100 150 Ft

## City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



Figure 1: Existing patio where the open pergola is proposed to be located.

