

Rock Island Board of Zoning Appeals Agenda

Council Chambers (3rd Floor), City Hall

1528 3rd Avenue

July 12, 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 July 12, 2023
Recommended Motion: Move to approve the written agenda for July 12, 2023
 - B. Approval of the June 14, 2023 Meeting Minutes
Recommended Motion: Move to approve the meeting minutes for June 14, 2023.
4. Old Business
 - A. 2023-09 Public Hearing: Skylar Willingham of Skylight Luxury Lounge LLC for 1325 30th 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
5. New Business
 - A. 2023-13 Public Hearing: Timothy Hanna of 2509 22½ Avenue – Variance of 112 square feet of the allowed square footage for a garage and a variance of 2 feet of the 20 foot maximum height for a garage in an R-1 (One unit residential) district.
Recommended Motion: Move to approve the variances
 - B. 2023-14 Public Hearing: Brenda Wild of 3514 46th Avenue – Variance to allow a dwelling unit on a lower level of a commercial building in a business zoning district (highway business B-4)
Recommended Motion: Move to approve the variance with stipulation
 - C. 2023-15 Public Hearing: Bradford Hill of 4016 7th Avenue – Variance of 4 feet of the 25 foot setback requirement for a structure in the front yard, and a variance of 5 feet, 10 inches of the 6 foot separation requirement between the pool and the deck of the house.
Recommended Motion: Move to postpone action on the variances until the August 9th meeting
6. Other Business
7. Adjournment: *Recommended Motion: Move to adjourn*

Rock Island Board of Zoning Appeals Minutes

Council Chambers (3rd Floor), City Hall

1528 3rd Avenue

June 14, 2023

5:30 PM



Voting Members Present	Gary Snyder Kevin Day Bill Sowards – 5:57pm Tanja Whitten Pandora Lawrence Donald Mewes
Voting Members Absent	Nichole Parker
Staff Present	Tanner Osing Eunice A. Amissah-Mensah
Guests	

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

Mr. Mewes moved to approve the written agenda for June 14, 2023. Ms. Lawrence seconded the motion. The motion carried unanimously on a vote of 5 to 0.

Approval of the Previous Meeting Minutes

Ms. Lawrence moved to approve the minutes for April 12, 2023. Mr. Mewes 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.

2023-08 Public Hearing: Richard Nunez of Radicle Effect LLC for 1340 31st Street – Variance to further reduce the number of parking spaces under the minimum off-street parking requirement by 3 spaces.

Osing the staff report. He stated that 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.

Osing also noted that 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 14th 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.

Whitten asked a clarifying question regarding accessible parking that will be provided.

Chair Snyder called for the applicant.

Richard Nunez of Rock Island was sworn in. He said he has been in business for 11 years, that there is no lack of parking in the district, and that he wants to make sure there is proper zoning approval. He noted that the business set up a temporary outdoor patio during the COVID-19 pandemic and have since noticed an increase in revenue. He reasoned that this stands to benefit the City in terms of sales tax. He adds that freeing up the three parking spots will make an additional positive impact.

Whitten asked about the applicant's plans regarding a fence. Nunez stated that he would like to have a permanent wooden fence in the future.

Mewes asked a clarifying question regarding the recent Special Use Permit (SUP) process the applicant went through. Osing clarified the recent SUP.

Osing also stated staff received an email comment from the owners of Handy True Value saying they supported the variance request.

As there were no other questions and one else wished to speak, the public hearing was closed.

Decision Case 2023-08- Mewes made a motion to approve the request for the variance because:

1. Reasonable Return: The variance will improve the return on the property by allowing for permanent outdoor seating.
2. Character Alteration: The variance will not alter the character of the neighborhood.

Additionally, Mewes added the following stipulations to the approval of the request:

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.

Whitten seconded the motion. The motion passed unanimously on a vote of 5 to 0 (Mewes, Whitten, Lawrence, Day, and Snyder).

2023-09 Public Hearing: Skylar Willingham of Skylight Luxury Lounge LLC for 1325 30th Street – Variance of 90 feet of the 100 foot separation requirement between a bar and residentially zoned private property.

Osing stated that the applicant Skylar Willingham of Skylight Luxury Lounge was not present for the hearing.

Decision Case 2023-09: Mr. Mewes made a motion to table the request for the variance since the applicant was not present.

Day seconded the motion. The motion passed unanimously on a vote of 5 to 0 (Mewes, Whitten, Lawrence, Day, and Snyder).

2023-10 Public Hearing: Darryl Taylor of 2140 23rd 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.

Osing presented the staff report. He noted Zoning Ordinance requires accessory structures to be setback 6 feet from a principal building and an alleyway (Chapter 11, Section 6). He added that 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.

Osing noted that 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.

Chair Snyder asked Osing if the new garage being 4.4 feet from the residence cause any issues with fire safety in regards to ingress and egress through a window. Osing asked

that the question be deferred to the applicant, but from his perspective, no problem will arise from the changes that would be made. He noted applicant will still have to comply with the building code requirements for the construction of the new garage.

Bill Sowards joined the meeting at 5:57 PM.

Darryl Taylor was sworn in. Taylor responded to the initial question posed about access to the home in case of fires. He stated there are windows around the house that will provide the needed access. He also has a back door on the side of the house which allows for access.

A neighbor to the applicant's property, Sherman Sweeney, stepped forward to speak in favor of the request.

As there were no other questions and one else wished to speak, the public hearing was closed.

Decision Case 2023-10- Whitten made a motion to approve the request for the variance because:

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

Whitten also included the following stipulation for approval:

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

Day seconded the motion. The motion passed unanimously on a vote of 5 to 0 (Whitten, Lawrence, Mewes, Day, and Snyder).

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.

Mr. Osing presented the staff report. He stated 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).

He also noted the applicant proposes to maintain an existing six (6) foot tall, tight board wooden fence adjacent to 27th Street and 5 1/2th Avenue, and also maintain the portion of the fence that meets at the point of intersection of the property lines adjacent to 27th Street and 5 1/2th Avenue. 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 5th Avenue. The applicant requests to maintain the existing fence due to the desire for added security, a buffer from nearby businesses along 5th 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.

Earl Hickman stood in for the applicant and was sworn in. Hickman explained the reason for putting up the fence was to ward off people trespassing on the property, keep the property clean, protect his children, and for additional security.

Chair Snyder asked a clarifying question about who erected the fence.

Chair Snyder expressed concern with the fence sticking out of the corner and asked if they had considered angling that part of fence to create visibility and solve traffic safety issues. Hickman interjected that the fence has caused drivers to drive slowly and be more mindful when they get to the stop.

Vice Chair Day stated that ensuring the fence follows the intersection requirements will be a good compromise to keeping the six-foot fence up. Lawrence added that the fence adds to the aesthetics of the property.

As there were no other questions and one else wished to speak, the public hearing was closed.

Osing clarified that there are two variances being requested.

Decision Case 2023-11- Mewes made a motion to approve the request for the variance for the 6-foot fence in the front yard of the property because:

1. The existing fence improves the return on the property.
2. The property is a corner lot with two front yards.
3. The existing fence does not alter the character of the neighborhood.

Mewes added to the motion to deny the 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 because:

1. The property can yield a reasonable return without the variance.

2. The existing fence location alters the character of the neighborhood.

Lawrence seconded the motion. The motion passed unanimously on a vote of 6 to 0 (Sowards, Whitten, Lawrence, Mewes, Day, and Snyder).

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

Osing presented the staff report. He stated 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).

He noted that 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.

Chair Snyder called for the applicant. Brandon Albertson was sworn in.

Albertson noted that outdoor seating has brought in a lot of revenue to the business. He added that the pergola will provide customers with much needed protection from the sun and be a nice upgrade to the corner.

Mewes asked a question about the neighboring properties.

As there were no other questions and one else wished to speak, the public hearing was closed.

Decision Case 2023-12- Whitten made a motion to approve the request for the variance because:

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

Whitten also included the following stipulation for approval:

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

Sowards seconded the motion. The motion passed unanimously on a vote of 6 to 0 (Sowards, Whitten, Lawrence, Mewes, Day, and Snyder).

Other Business

Osing introduced the new urban planner on staff, Eunice Amissah-Mensah. He also noted that he expects there to be a July 12th meeting.

Adjournment

Chair Snyder adjourned the meeting at 6:35 pm.

Minutes submitted by Eunice Amissah-Mensah and Tanner Osing.

DRAFT

Memorandum
Community and Economic Development Department

To: Rock Island Board of Zoning Appeals

Subject: Case 2023-09: Variance Request

Date: July 7, 2023



Applicant:

Skylar Willingham of Skylight Luxury Lounge, LLC

Location:

1325 30th 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:

The applicant recently went through the Special Use Permit (SUP) process for operating a bar without a restaurant element in a B-1 (neighborhood business) district. At their June 26th meeting, the City Council unanimously approved the SUP with stipulations that included that the use only applies to the ground floor space that is currently occupied and that a menu of small plates continue to be served.

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:

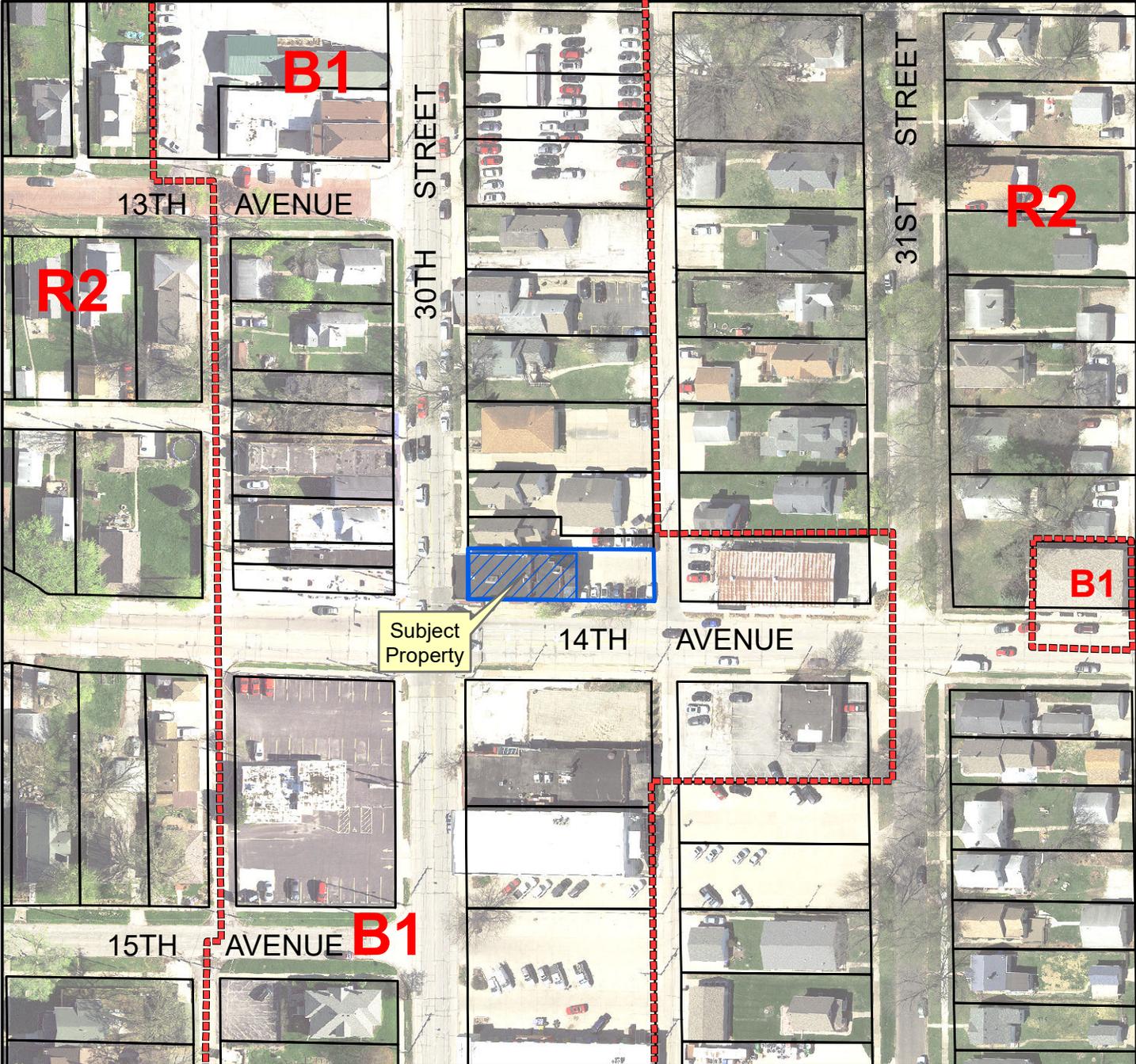
The applicant proposes to continue the use of the existing wine bar, Skylight Luxury Lounge, that serves a variety of wine and over beverages. However, the applicant plans to limit the current menu of small plates which will make it so the business can no longer be considered a restaurant. Skylar Willingham 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



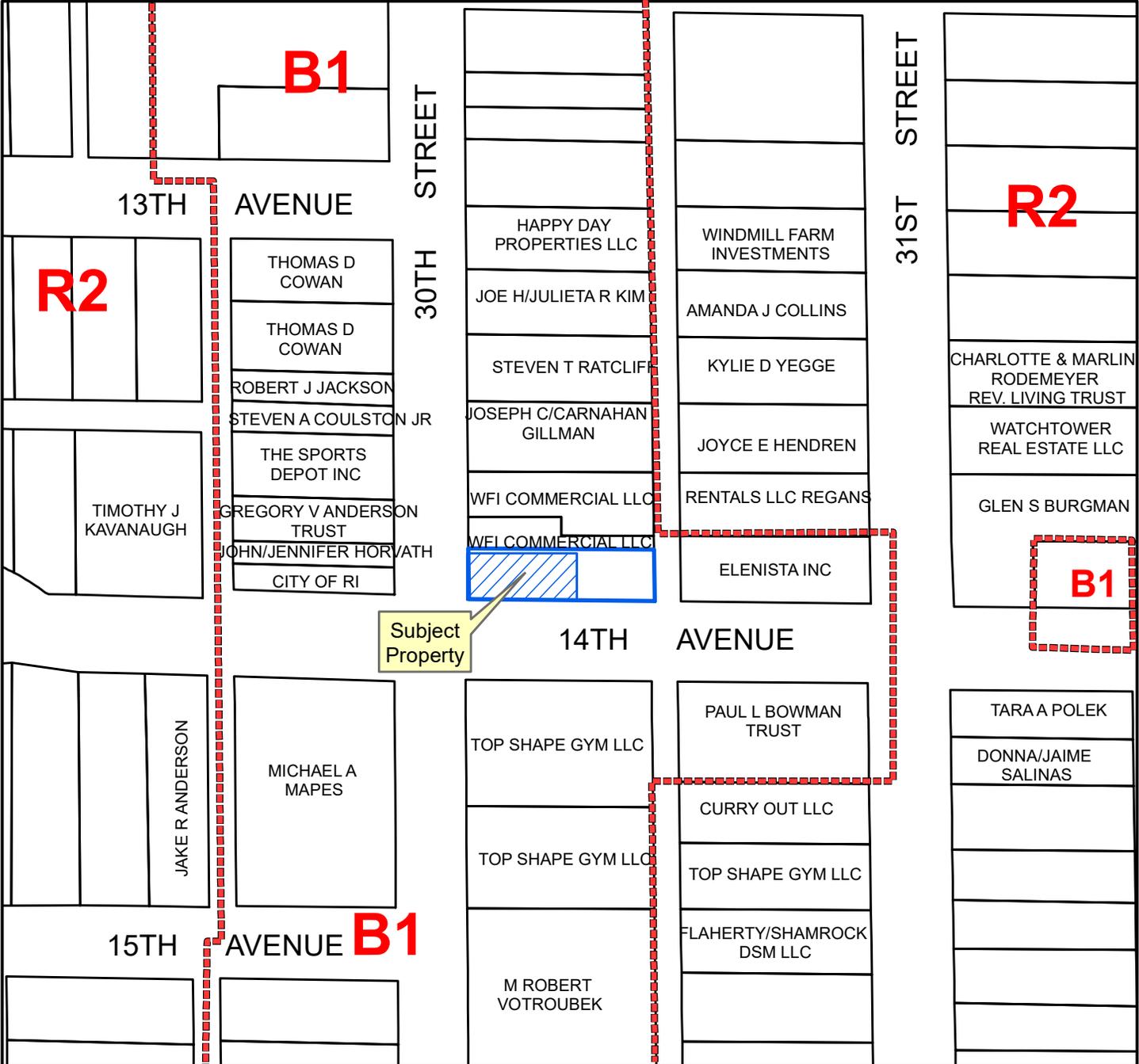
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City of Rock Island

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



City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



**Memorandum
Community and Economic Development Department**

To: Rock Island Board of Zoning Appeals

Subject: Case 2023-13: Variance Request

Date: July 7, 2023



Applicant:

Timothy Hanna

Location:

2509 22 ½ Avenue

Request:

The request is for a variance of 112 square feet of the allowed square footage for a garage in an R-1 (one unit residential) district, and also a variance of 2 feet of the 20 foot maximum height for a gable roofed garage. The applicant proposes to build a 1,008 square foot garage that is 22 feet in height.

Size of Property:

The property measures 47' by approximately 140' & 155' (6,529 square feet).

Zoning History:

In 2021, the applicant received a variance of six (6) percent of the thirty (30) percent maximum coverage of a rear yard by an accessory structure. Upon submitting a building permit package for the project in 2023, staff discovered that the applicant needed additional variances for the garage build.

Existing Land Use and Zoning:

The property is occupied by a 1 ½ story residential dwelling. There is no other accessory structure on the property as the existing garage was recently demolished. 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 sits slightly above street level as viewed from 25th Street sloping uphill by approximately four (4) feet from west to east.

Affected Requirements:

The Zoning Ordinance requires accessory structures to not exceed the total ground floor square footage of the primary structure. The house (primary structure) on the property is approximately 896 square feet, which is 112 feet less than the proposed garage. The Zoning Ordinance also requires that accessory structure with a gable roof be a maximum of 20 feet tall, which is two (2) feet less than the proposed garage. (Chapter 11, Section 6-A).

Conditions to Authorize Variances:

1. Reasonable Return: The proposed garage will improve the return on the property.
2. Unique Circumstances: There are no unique circumstances. Although the property is on a corner lot, that circumstance does not pertain to the requests.
3. Character Alteration: The proposed variance will not alter the character of the neighborhood.

Analysis:

The applicant proposes to construct a new three bay detached garage (28' by 36') in their rear yard. The applicant desires to build the garage to allow for much needed storage space for their family. Access to the garage is proposed to be provided via a new curb cut along 25th Street with a new driveway. While the garage will have a larger footprint than the house, it will still be less than the total square footage of 1,215. The proposed garage height at 22 feet will also not be taller than the house. Additionally, all setback requirements in the Zoning Ordinance will be met. Staff believe that the requested variances needed for the garage build will not alter the character of neighborhood and improve the return on the property.

Recommendation:

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

Submitted by: Eunice Amisah-Mensah, Urban Planner
Tanner Osing, Planning & Zoning Manager

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2023-13 Aerial

Legend

-  Subject Property
-  Parcels

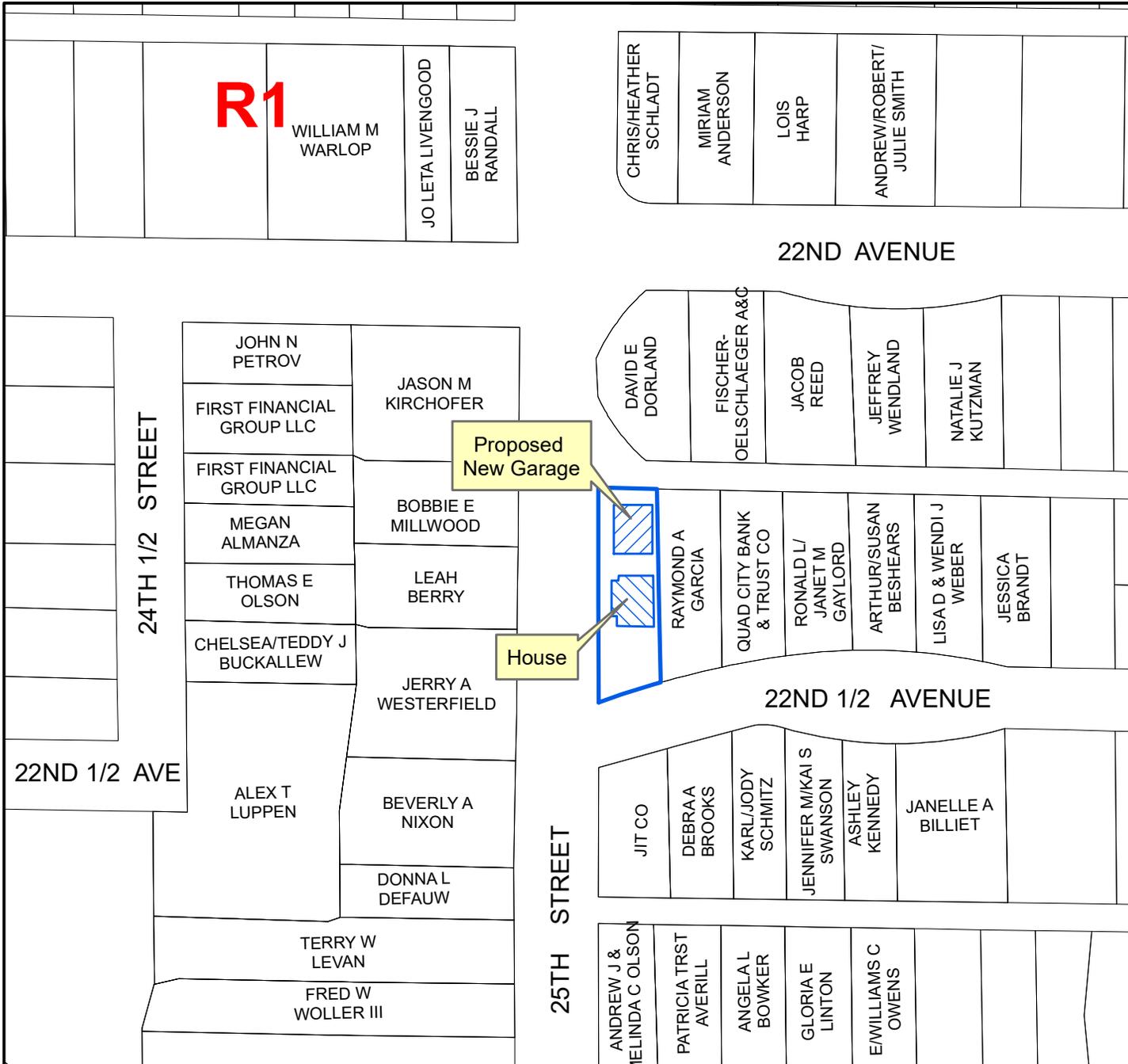


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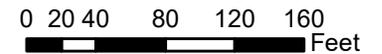
BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2023-13

Legend

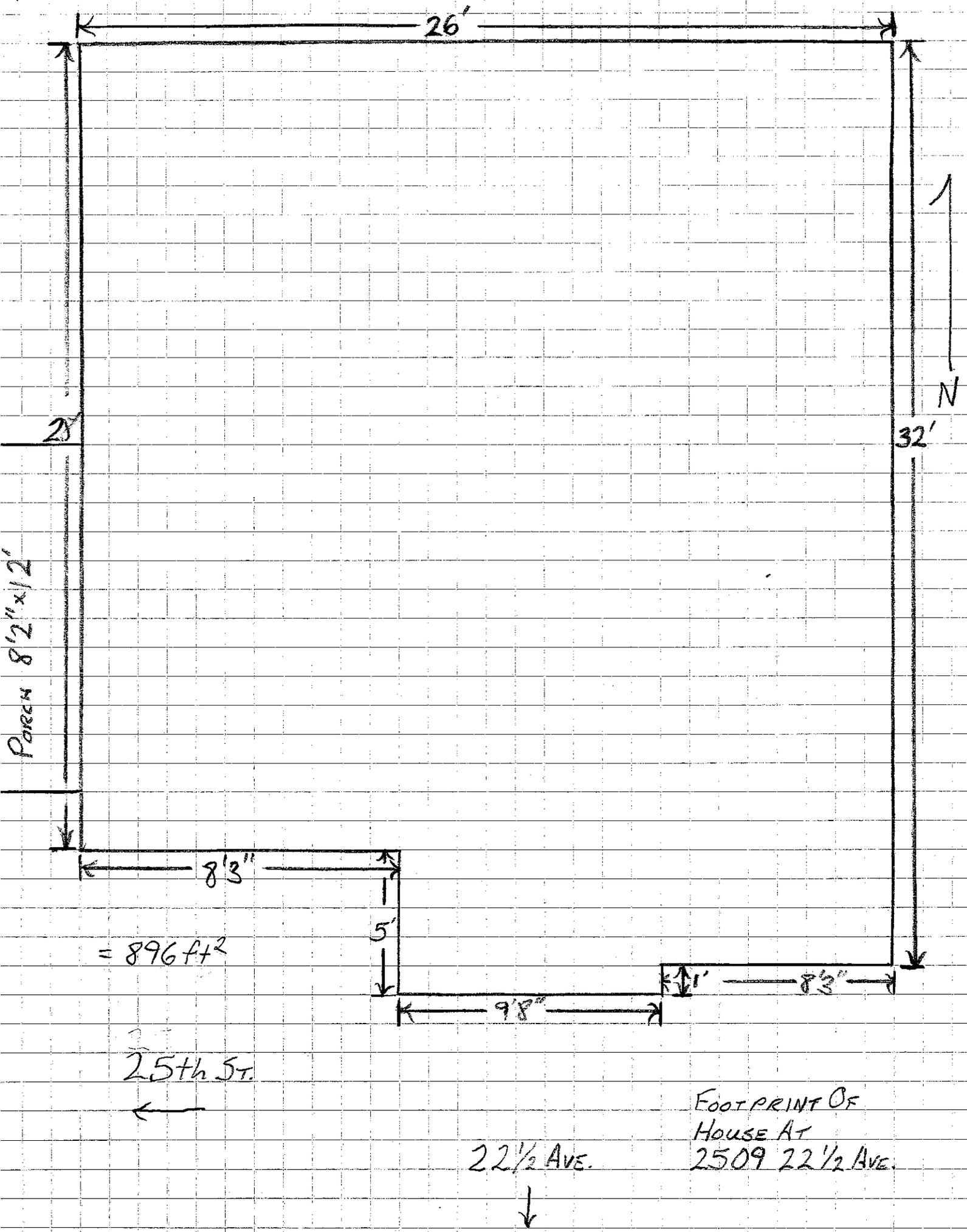
-  Subject Property
-  Parcels



City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment





**Memorandum
Community and Economic Development Department**

To: Rock Island Board of Zoning Appeals

Subject: Case 2023-14: Variance Request

Date: July 7, 2023



Applicant:

Brenda Wild

Location:

3514 46th Avenue

Request:

The request is for a variance to allow a dwelling unit on a lower level of a commercial building in a business zoning district (B-4). The applicant proposes to convert the lower walk out level into a short-term rental, thus creating a mixed use building.

Size of Property:

The property measures 81' x 154' (approximately 12,480 square feet).

Zoning History:

None.

Existing Land Use and Zoning:

The site is occupied by a 1-story building that includes the applicant's business on the main floor and former office space in the lower walkout level on the south side of the building. The site is zoned B-4 (Highway business) district. To the north of the property sits the highway and a church zoned U-1. To the west of the property is unincorporated land. To the south and east of the property are nonconforming residences zoned B-4.

Topography:

The site slopes downhill from north to south by approximately fifteen (15) feet.

Affected Requirements:

The Zoning Ordinance allows dwelling units in all business zoning districts, but requires them to be above the ground level (Chapter 18, Section 2).

Conditions to Authorize Variances:

1. Reasonable Return: The proposed variance will improve the return on the property.
2. Unique Circumstances: The property slopes towards the Rock River to the south. This steep topography lends itself to structures having a lower walkout level with commercial space at the street level.
3. Character Alteration: The proposed variance will not alter the character of the neighborhood.

Analysis:

The applicant proposes to convert the lower walkout level of the building into a two bedroom short term rental that will include a bathroom, kitchen, and living space. The first floor of the building (street level) is currently used as office for a mortgage company. The lower level was previously used as office space, but now is no longer needed due to changing business dynamics. Historically, the building was likely a single family residence as a land use map from 1984 indicates it as such. There is ample parking space to the south of the building to accommodate any guest and business parking. Access to the proposed dwelling will be on the south side of the building by the parking lot.

Staff believe that the variance will create another revenue stream for the applicant by allowing for a profitable use of the unused office space, and create a desirable mixed use for the property. Even with approval of the variance, the applicant will still need to meet requirements of the building code including any necessary separation requirements between different occupancy uses (e.g. office and dwelling).

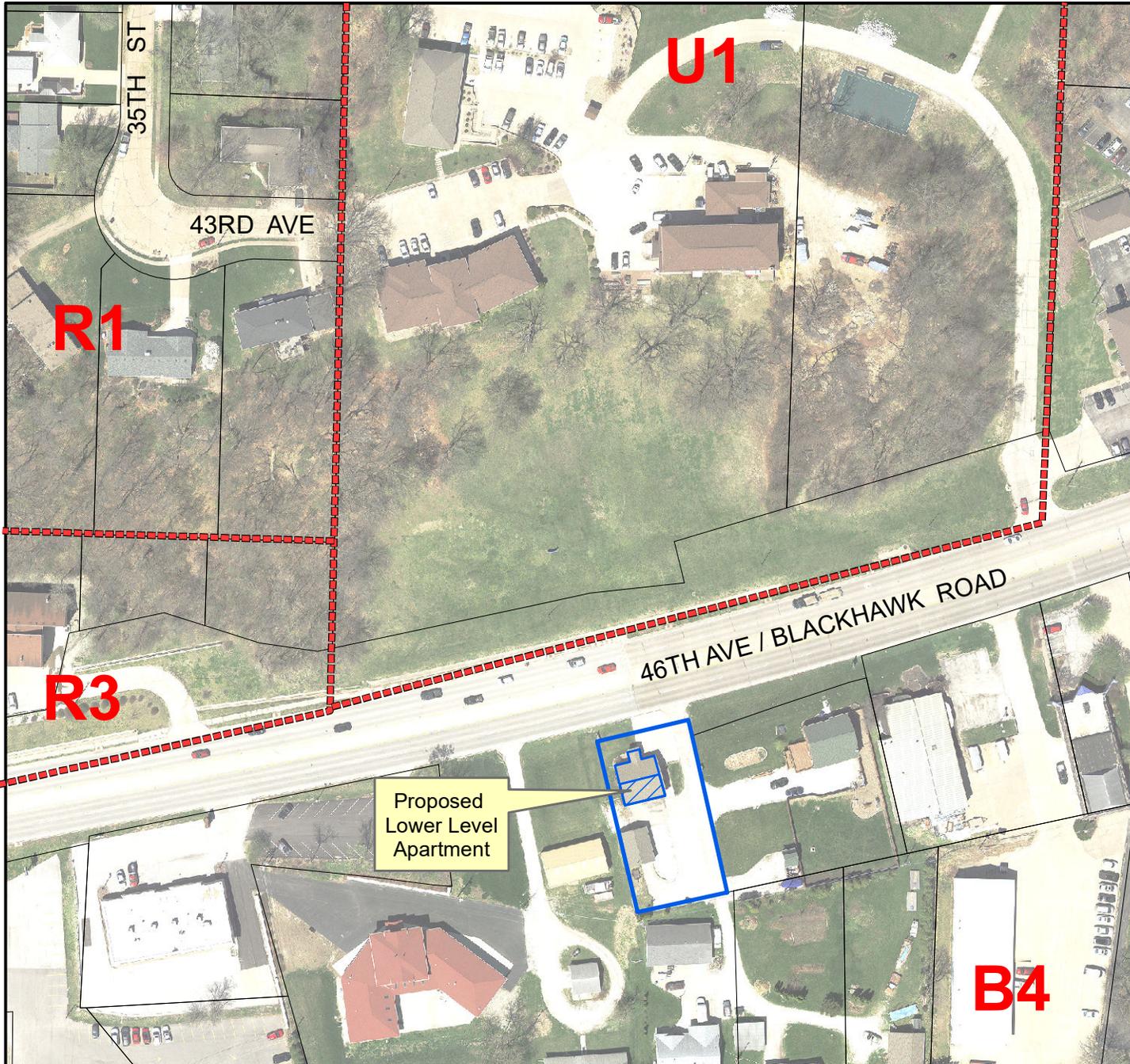
Recommendation:

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

1. The requested variance shall only apply to the lower walkout level of the existing principal building on the property at 3516 46th Avenue.

Submitted by: Eunice Amissah-Mensah, Urban Planner
Tanner Osing, Planning & Zoning Manager

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2023-14 Aerial

Legend

-  Subject Property
-  Parcels



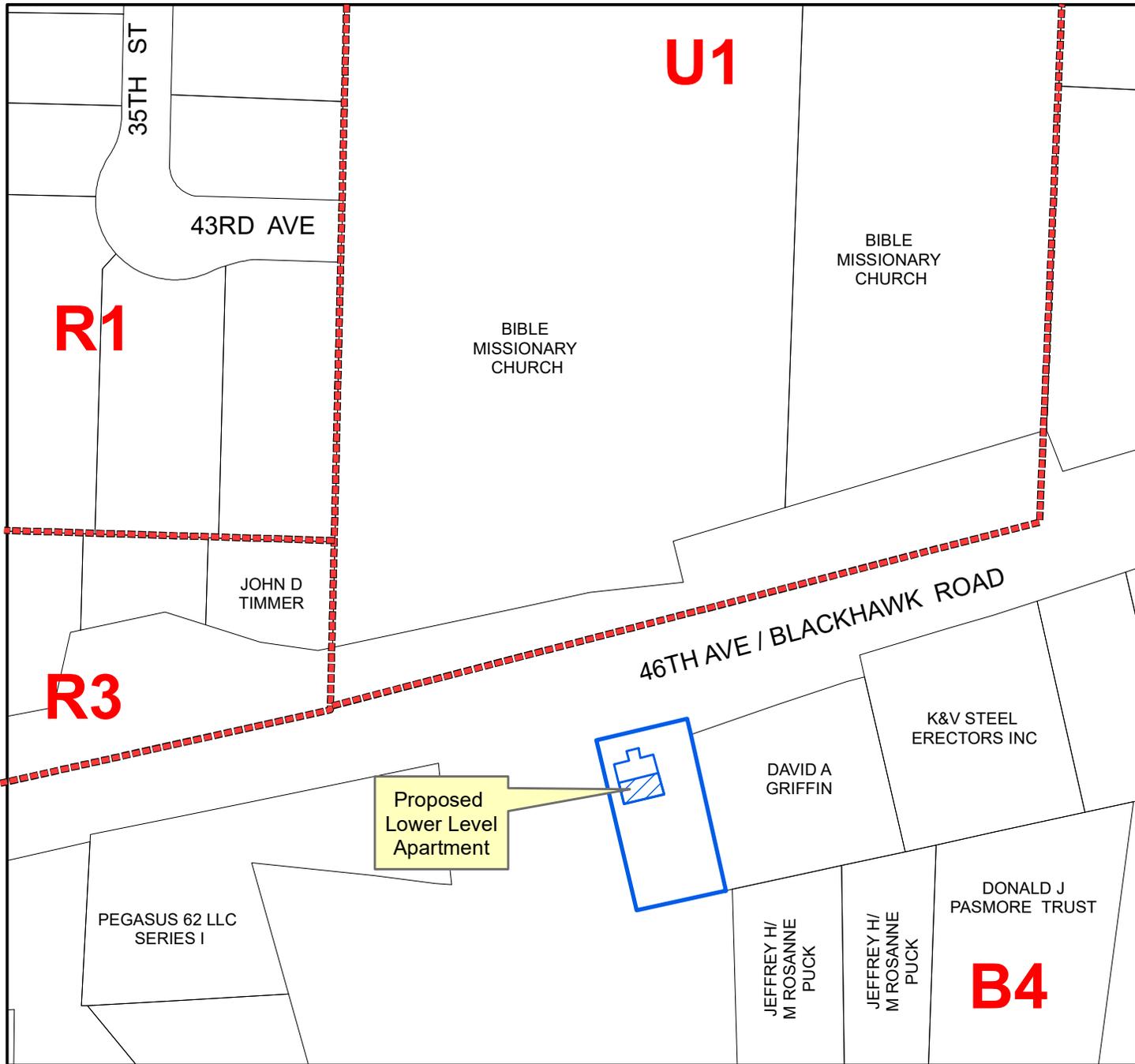
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BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2023-14

Legend

-  Subject Property
-  Parcels



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Figure 1: View of building at 3514 46th Avenue looking northwest.