

## Rock Island Board of Zoning Appeals Agenda

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

1528 3rd Avenue

August 9, 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 August 9, 2023  
*Recommended Motion: Move to approve the written agenda for August 9, 2023*
  - B. Approval of the July 12, 2023 Meeting Minutes  
*Recommended Motion: Move to approve the meeting minutes for July 12, 2023.*
4. Old Business
  - A. 2023-15 Public Hearing: Bradford Hill of 4016 7<sup>th</sup> Avenue – Variance to allow an accessory structure in the front yard, variance of 16 feet of the 20 foot setback for a structure in the front yard, and a variance of 5 feet, 10 inches of the 6 foot setback between the pool and the deck of the house.  
*Recommended Motion: Move to deny the variances*
5. New Business
  - A. 2023-16 Public Hearing: Raheem Flowers of 4500 27<sup>th</sup> Avenue - to allow a six (6) foot fence in the front yard, which is two (2) feet over the maximum allowed height of four (4) feet.  
*Recommended Motion: Move to deny the variance*
6. Other Business
  - A. Discussion on the consolidation of Planning Commission and Board of Zoning Appeals
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

June 14, 2023

5:30 PM



<b>Voting Members Present</b>	Kevin Day Bill Sowards Tanja Whitten Pandora Lawrence Donald Mewes Nichole Parker
<b>Voting Members Absent</b>	Gary Snyder
<b>Staff Present</b>	Tanner Osing Eunice A. Amissah-Mensah
<b>Guests</b>	

### Call to Order and Roll Call

Vice Chair Day 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

Lawrence moved to approve the written agenda for July 12, 2023. Mewes seconded the motion. The motion carried unanimously on a vote of 6 to 0.

### Approval of the Previous Meeting Minutes

Sowards moved to approve the minutes for June 14, 2023. Parker seconded the motion. The motion carried unanimously on a vote of 6 to 0.

### Old Business

Vice Chair Day explained the procedure to be followed for public hearings.

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

Osing presented the staff report. 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). The applicant went through the Special Use Permit process for operating a bar without a restaurant element in a B-1 neighborhood business district. The City Council unanimously approved the Special Use Permit with stipulations.

The applicant proposes to continue to serve a variety of wine and other beverages while limiting the current menu of small plates. This means the business can no longer be considered a restaurant. The applicant approached staff when the business opened and it was determined the menu was substantial to allow the business to be considered a restaurant. With the reduce menu, however, the wine bar will be without the restaurant element and with 20 feet proximity to a residential zoning district, a variance will be needed to consider not meeting the separation requirement. 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.

Mewes wanted clarification on what the variance request entails with regards to the dimensions and jurisdiction of the Board of Zoning Appeals with the request to have just a wine bar for the business. Osing clarified that the separation requirement is based on the parcel area as this is separated by an alleyway between the business and residential.

Skylar Willingham of Skylight Luxury Lounge LLC was sworn in. The applicant added that the business offers charcuterie and the sale of other foods were not in demand as people visited the business mainly for the wine served. The applicant was asked how long they have been on the property and responded since January.

Mewes asked if the zoning is a road block in operating a restaurant or getting rid of food in the bar. Osing answered that the applicant has a special use permit with stipulations to continue serving small plates of food and would not have needed the special use permit or variance if the business was still serving food as it had originally done.

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

Decision Case 2023-09 - Lawrence made a motion to approve the request for the variance because:

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

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

## **New Business**

2023-13 Public Hearing: Timothy Hanna of 2509 22½ Avenue – Variance of 112 square feet of the allowed square footage for a garage in an R-1 (One unit residential) district.

Osing presented the staff report. He stated that 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).

Osing also noted that 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. The applicant proposes to construct a new three bay detached garage (28' by 36') in their rear yard. Access to the garage is proposed to be provided via a new curb cut along 25<sup>th</sup> 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.

Vice Chair Day called for the applicant.

Timothy Hanna of Rock Island was sworn in. He said they are a family of 5 and have lived in the house for almost 18 years, and now are needing extra space to remain there.

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

Decision Case 2023-13: 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. Character Alteration: The proposed variance will not alter the character of the neighborhood.

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

2023-14 Public Hearing: Brenda Wild of 3514 46<sup>th</sup> Avenue – Variance to allow a dwelling unit on a lower level of a commercial building in a business zoning district (B-4).

Osing presented the staff report. He noted the zoning ordinance allows dwelling units in all business zoning districts, but requires them to be above the ground level (Chapter 18, Section 2).

Osing noted that 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. 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 guest parking. The Zoning Ordinance allows dwellings in all business zoning district, but only above the ground floor. Access to the proposed dwelling will be on the south side of the building by the parking lot.

He further stated 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).

McKenzie Gleavon stood in for the applicant and was sworn in. Gleavon described the reasoning for the project.

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

Decision Case 2023-14: Sowards made a motion to approve the request for the variance because:

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.

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

2023-16 Public Hearing: Bradford Hill of 4016 7<sup>th</sup> Avenue – Variance to allow an accessory structure in the front yard, variance of 21 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.

Osing stated that the hearing for the applicant Bradford Hill will need to be postponed due to an error in the public notice.

Decision Case 2023-09: Mewes made a motion to postpone action on the variances until the August 9<sup>th</sup> Meeting.

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

### **Other Business**

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

**Adjournment**

Vice Chair Day adjourned the meeting at 6:25 pm.

Minutes submitted by Eunice Amisah-Mensah and Tanner Osing.

DRAFT

**Memorandum**  
**Community and Economic Development Department**

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

**Subject:** Case 2023-15: Variance Requests

**Date:** August 4, 2023



Applicant:

Bradford Hill

Location:

4016 7<sup>th</sup> Avenue

Request:

The request is to allow a proposed 16' by 4' swimming pool (accessory structure) in the front yard that will be setback four (4) feet from the property line adjacent to 41<sup>st</sup> Street and two (2) inches from an attached deck on the house.

Size of Property:

The property measures 52.5' by 150' (7,875 square feet).

Zoning History:

None.

Existing Land Use and Zoning:

The site is occupied by a house and a detached garage that is zoned R-3 (one-to-six unit residential) district. To the north and west of the property are residences zoned R-3. To the south of the property are residences zoned R-2. To the east of the property is an elementary school zoned O-1.

Topography:

The site is flat and slightly above street level.

Affected Requirements:

Variances are needed because the Zoning Ordinance does not allow accessory structures in a front yard, and would require the pool to be setback twenty (20) feet from the 41<sup>st</sup> Street property line and six (6) feet from the deck (Chapter 11, Section 6-A and Chapter 15, Section 6).

Conditions to Authorize Variances:

1. Reasonable Return: The proposed variances will not improve the return on the property.
2. Unique Circumstances: There is a unique circumstance as the property sits on a corner lot and has 2 front yards.
3. Character Alteration: The proposed pool will alter the character of the neighborhood.

Analysis:

The applicant proposes to locate an above ground pool (16' x 48") in the front yard of his home along 41<sup>st</sup> Street between the existing dwelling that is proposed to be setback 4 feet from the east property line and 2 inches from a deck. The property is a corner lot with two front yards and adjacent to Longfellow Elementary School.

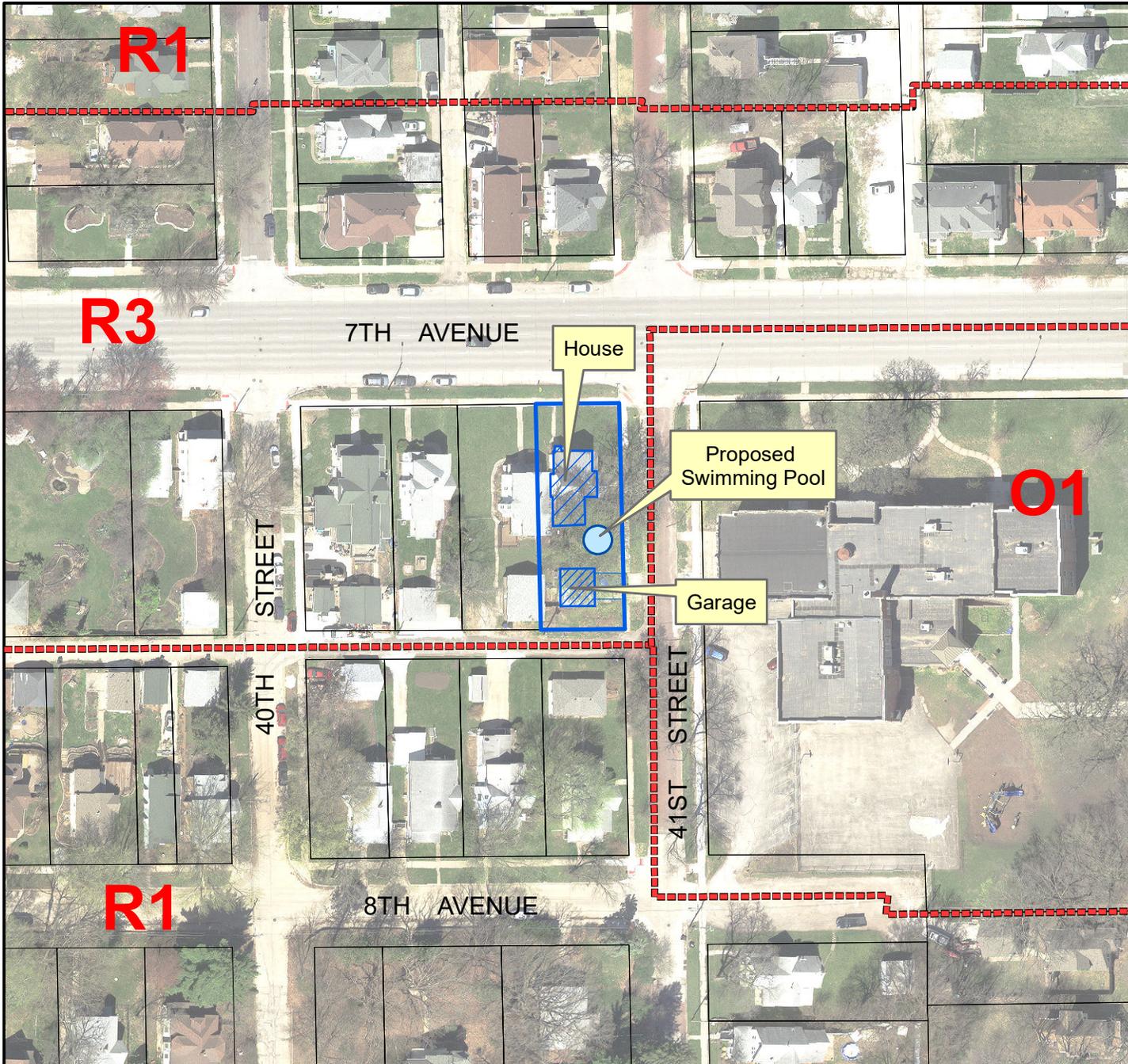
Staff believe the property can yield a reasonable return without the variances and that proposed pool will alter the character of the neighborhood as a structure that close to the property line and in the front yard does not provide a reasonable layout for the property. Additionally, the parcel is a regular size with no uniqueness regarding depth or frontage.

**Recommendation:**

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

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

# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-15 Aerial

### Legend

-  Subject Property
-  Parcels



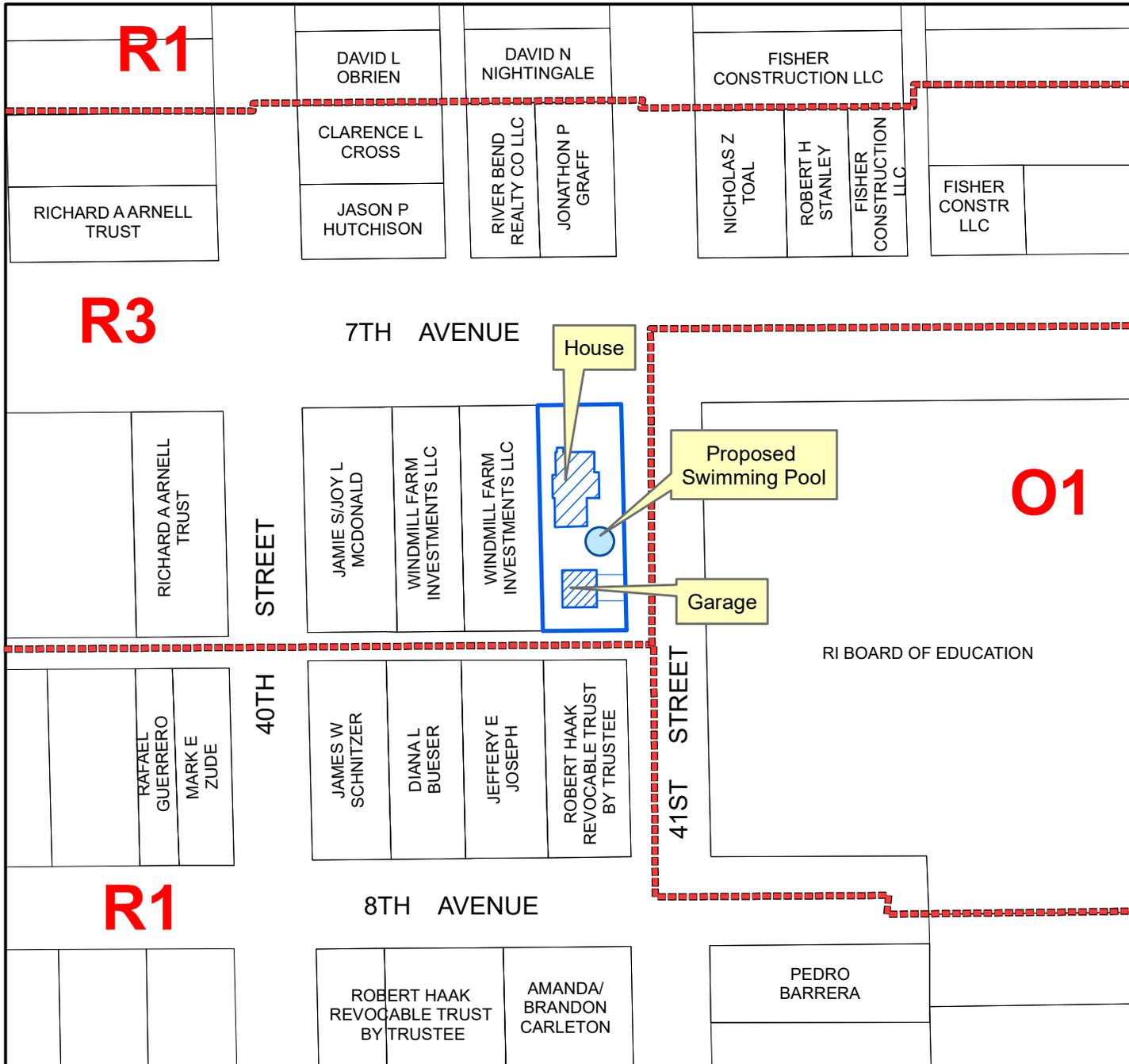
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## City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-15

### Legend

- Subject Property
- Parcels



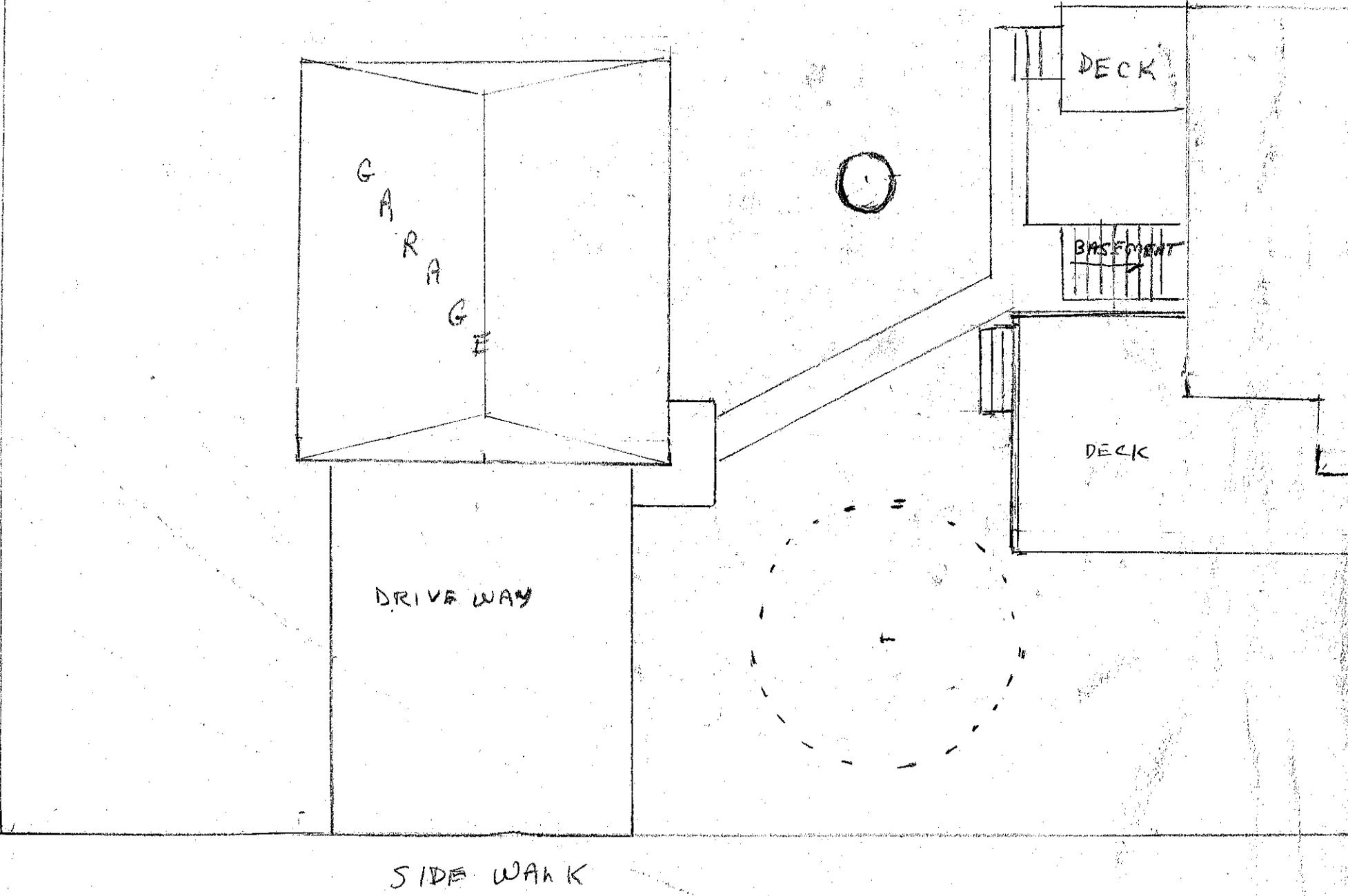
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## City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



Applicant's drawing



1/4" = 2'-0"

41st Street

**Memorandum  
Community and Economic Development Department**

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

**Subject:** Case 2023-16: Variance Request

**Date:** August 4, 2023



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Applicant:

Raheem Flowers

Location:

4500 27<sup>th</sup> Avenue

Request:

The request is to allow a six (6) foot fence in the front yard. The applicant proposes to maintain an existing six (6) foot tall vinyl fence in the front yard of the property adjacent to 45<sup>th</sup> Street.

Size of Property:

The property measures 100' by 135' (13,500 square feet).

Zoning History:

None.

Existing Land Use and Zoning:

The property is zoned R-1 (one unit residential) district with single family house with an attached garage, To the north, south, east, and west of the property are residences zoned R-1 (One unit residential) district.

Topography:

The site is flat and 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 (Chapter 11, Section 13).

Conditions to Authorize Variances:

1. Reasonable Return: The property can yield a reasonable return without a six (6) foot fence in the front yard.
2. Unique Circumstances: There is a unique circumstance as the property sits on a corner lot and has 2 front yards.
3. Character Alteration: The fence alters the character of the neighborhood.

Analysis:

The applicant proposes to maintain an existing 6-foot tall tight board, vinyl fence adjacent to 45<sup>th</sup> Street. Staff became aware of the fence after it was constructed and informed the property owner that they would need a variance to maintain it. The applicant due desire to maintain the fence for the security and safety of their children and dog, and added privacy for the home.

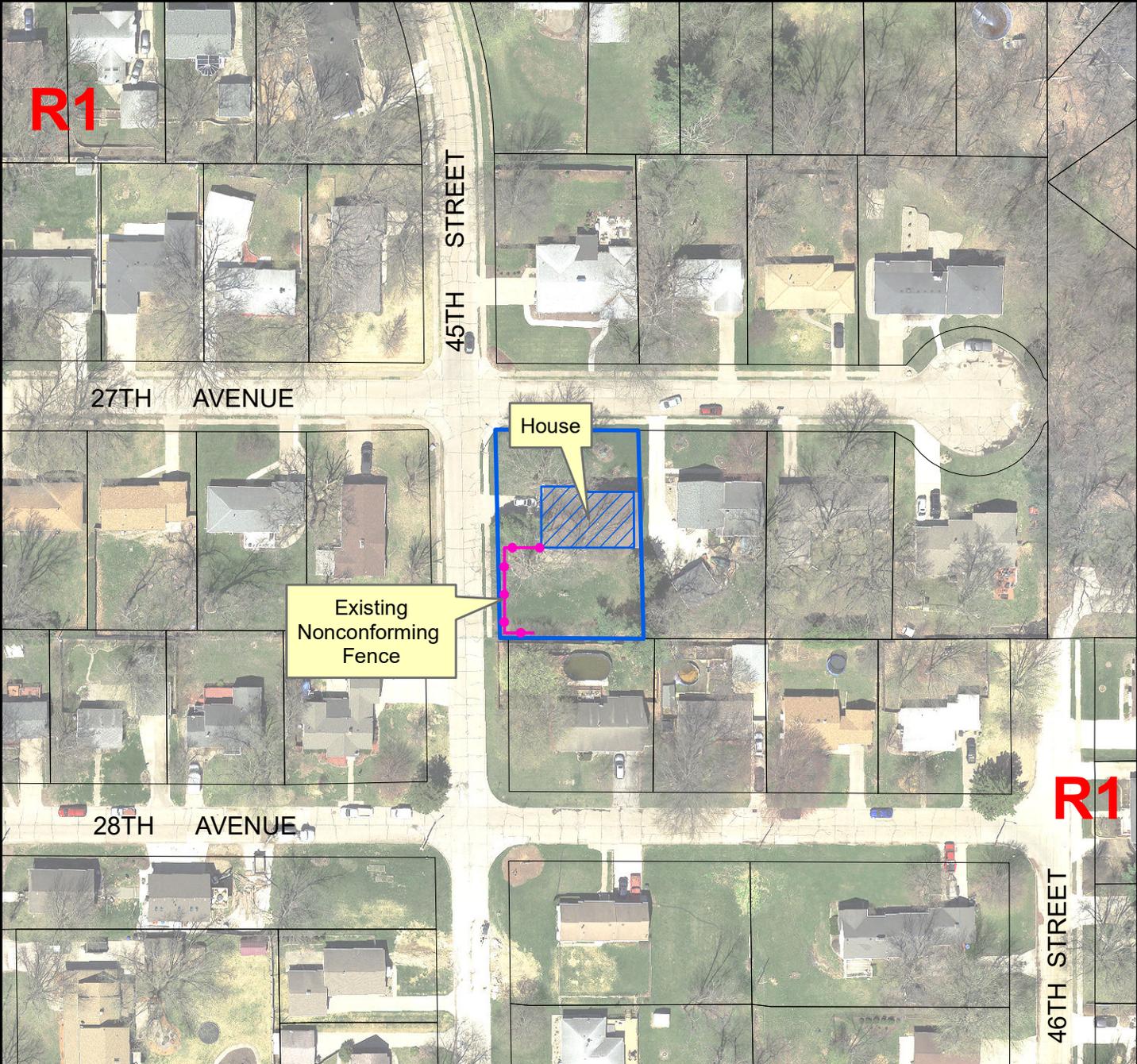
Staff believe the property can yield a reasonable return without the variance and that putting up the fence alters the character of the neighborhood as a four (4) foot fence would still offer security and privacy. While there are other non-conforming fences nearby that have been in place for many years, staff is unable to find any record regarding their approval. Additionally, 45<sup>th</sup> Street is a local street with minimal traffic that would not prompt a need for added privacy. The applicant could lower the fence to four (4) feet in its current location or align (6) foot fence with the house to come into compliance.

**Recommendation:**

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

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

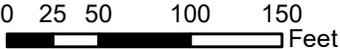
# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-16 Aerial

### Legend

-  Subject Property
-  Parcels
- R1** Zoning District

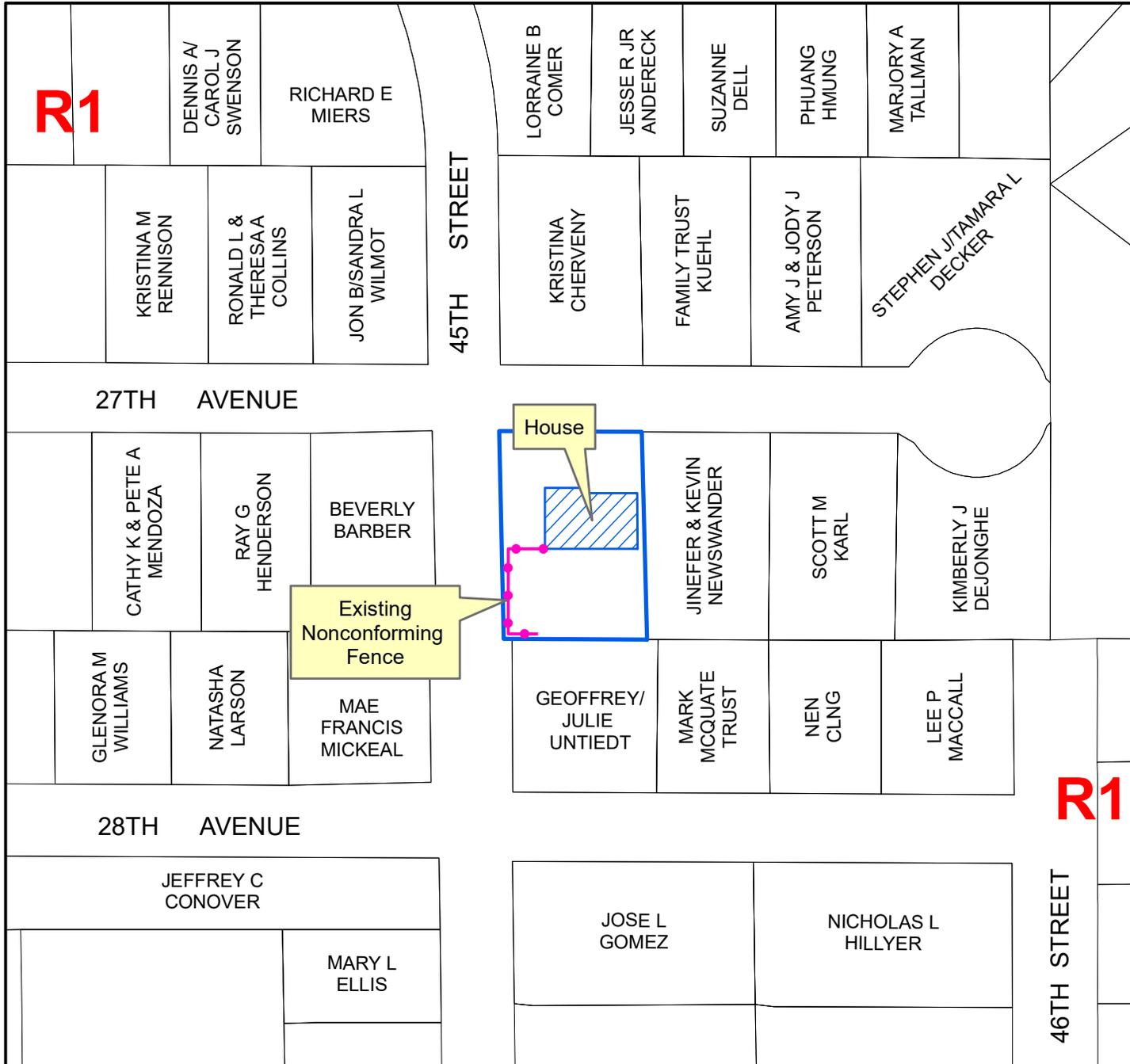


### City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



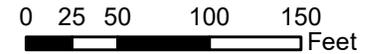
# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-16

### Legend

-  Subject Property
-  Parcels
- R1** Zoning District



## City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment





Figure 1: View of fence looking southeast from the intersection of 27th Avenue & 45th Street.

## Memorandum

### Community and Economic Development Department

**To:** Planning Commission and Board of Zoning Appeals

**Subject:** Commission Consolidation

**Date:** July 28, 2023



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The City of Rock Island has had a Planning Commission (PC) and Board of Zoning Appeals (BZA) for many years. Both bodies exercise authority over zoning and land development proposals in the City. The PC is responsible for holding public hearings and making recommendations to the City Council on rezoning & special use permit requests, text amendments to the Zoning Ordinance, subdivision plats, and updates to the City's Comprehensive Plan along with other planning documents. Similarly, the BZA holds public hearings but makes final decisions on variance requests from the Zoning & Sign Ordinance, temporary uses, and special exceptions for all properties unless they are business zoned parcels over 20,000 square feet. Overall, both bodies primarily deal with issues stemming from the City's Zoning & Sign Ordinances but have different practice areas without a clear reason for divide.

As many will remember, a consolidated commission was previously proposed by consultant, Ancel Glink, in 2017. This proposal involved other updates to the duties and authority of the commission in addition to consolidation. Staff has spent time reflecting on this proposal and agree that changes to the duties and authority of the BZA and PC is still not appropriate. However, staff does believe there is merit to a simple consolidation and is therefore proposing to consolidate the PC and BZA into one commission called the Planning & Zoning Commission (PZC).

In short, the PZC would be a nine (9) member body that would assume the responsibilities of both the PC and the BZA functioning both in an advisory and quasi-adjudicative capacity. Staff reason that there are three (3) main benefits to consolidation that are outlined as follows.

- Consolidation would offer a more efficient process for applicants needing different zoning approvals, and help staff guide them through that process. For example, an applicant seeking a rezoning and variance would only need to attend one (1) commission meeting rather than two (2) meetings before going to the City Council. Reducing the time required for applicants will encourage development as longer processes often discourage investment through added complexity and confusion, whether real or perceived. A streamlined development process will also help staff provide better customer service to each applicant by reducing the time needed to create public notices, develop reports, and coordinate meeting schedules.
- Consolidation would simplify the public hearing process to the benefit of applicants, members of the public, commissioners, and staff. One (1) public hearing rather than two (2) would not only be more efficient, but also minimize confusion regarding different aspects of a project. For example, a development that needs a rezoning may also need other setback or parking variances. It can

become difficult for the public, commissioners, and staff to discern what facts are relevant to what approval as there are often overlapping concerns and intertwined issues. With consolidation, all parties will be able to understand and evaluate a project more holistically.

- Consolidation would ensure continued knowledge building and promote greater commission activity. The BZA typically has more regular business with frequent meetings during the spring and summer months whereas the PC often meets four (4) to five (5) times a year. A consolidated commission will result in more frequent meetings thus allowing for more learning opportunities and hopefully develop a community leadership pipeline for commissioners. Additionally, the Planning & Zoning Division is fully staffed for the first time in over four (4) years and consists of three (3) full-time staff members: Planning & Zoning Manager, Urban Planner, and GIS Specialist. Staff desire to get back to more frequent and proactive planning activities given this capacity, and believe that a consolidated commission will be a dynamic group for staff to work with as a partner.

Lastly, this memo along with a draft of the establishing ordinance will be presented to both the PC and BZA. Staff hope to have a discussion with both bodies regarding the proposal and to include any feedback in a memo that will go to the City Council. Staff is also proposing that the PZC go into effect after the first of the year in 2024. This will allow ample time to make new appointments and administratively prepare for the consolidation without delaying any development projects. The ordinance is expected to go before the City Council for consideration in September.

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

**AN ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES OF  
THE CITY OF ROCK ISLAND, ILLINOIS TO CONSOLIDATE THE PLANNING  
COMMISSION AND BOARD OF ZONING APPEALS INTO THE PLANNING &  
ZONING COMMISSION**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND,  
ILLINOIS:

**Section One:** The City Council has determined that it is in the best interest of the community that the Planning Commission and the Board of Zoning Appeals be combined into a single public body. This new body shall adopt all of the functions and responsibilities of the two bodies functioning both in an advisory and quasi-adjudicative fashion.

**Section Two:** Chapter 11 “Planning and Development” is hereby retitled “Community & Economic Development.”

**Section Three:** Chapter 11, Article I “Planning Commission” is hereby removed and replaced in its entirety as follows.

Article 1: Planning & Zoning Commission

Sec. 11-1. Creation of Commission:

There is created a Planning & Zoning Commission to assist the City in the development and enforcement of land use regulations and the zoning code. The Commission shall consist of nine (9) members appointed by the Mayor with the consent of the City Council. Five (5) members of the Commission shall constitute a quorum. The Commission members shall be broadly representative of the community with knowledge of land use regulations, zoning law, real estate, land development, geography, and other expertise associated with urban planning.

Sec. 11-2. Duties of Commission:

The Planning & Zoning Commission shall possess advisory powers only except in regards to their role as a code appeals board. The Commission’s duties shall include:

- A. Soliciting community input on the adoption and development of codes;
- B. Advising the Mayor and City Council on land use regulation and matters to do with urban planning;
- C. Acting as a liaison between the City, agencies, associations, and residents relative to programs and activities;
- D. Making recommendations on the development of new programs and activities;
- E. Monitoring and evaluating programs and activities; and
- F. Acting as a quasi-adjudicative board of appeals as provided in the zoning code, sign ordinance, and other applicable City codes.

Sec. 11-3. Officers:

The Commission shall have a Chair and a Vice chair elected by the Commission who shall each serve a term of one (1) year and shall be eligible for reelection. The Chair shall preside over meetings. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair. If both are absent, a temporary Chair shall be elected by those present. A staff liaison from the Community & Economic Development Department shall serve as Secretary to the Commission and be responsible for preparing and publishing agendas and meeting minutes.

Sec. 11-4. Meetings:

The Commission shall schedule regular meetings on a monthly basis. Meetings may be cancelled for lack of business. Additional meetings may be called when needed. All meetings shall be run in accordance with the most recent edition of Robert's Rules of Order as well as all applicable local, state, and Federal codes.

Sec. 11-5. Terms of Appointment:

- A. The Commission members shall be divided into three (3) groups and initially appointed for terms of one (1), two (2), and three (3) years respectively. Thereafter, members shall be eligible to serve three (3) year terms. Members may serve two (2) consecutive terms (including the initial appointment term) before being required to take at least one (1) year off of the Commission. They may thereafter serve again.
- B. During the interval between appointments, any vacancy occurring on the Commission shall be filled by the Mayor with the consent of the City Council. Each member chosen to fill a vacancy shall hold office for the remainder of the unexpired term being occupied.
- C. A member may be removed from the Commission, with or without cause, by a two-thirds (2/3<sup>rds</sup>) majority vote of the Commission. Any member who does not attend at least two-thirds (2/3<sup>rds</sup>) of the meetings in any twelve (12) month period (or, if not in office for the entire period, such portion of the period that the member was in office) shall be automatically deemed to have resigned from the Commission unless waived by the affirmative two-thirds (2/3<sup>rds</sup>) majority vote of the Commission.

Secs. 11-6 through 11-15 reserved.

**Section Four:** Appendix A, Article VIII "Board of Zoning Appeals", Section 1 "Creation, Membership and Procedure" is hereby removed and replaced entirely as follows.

Sec. 8-1: Creation and Procedure

The Planning & Zoning Commission established in Chapter 11, Article 1 of the City Municipal Code shall act as a code appeals board and shall be responsible for any matters upon which it is required to do by this Article. The chair of the commission, or in their absence, the vice chair or temporary chair, may administer oaths and compel attendance of witnesses. The Commission may call on the City's departments for assistance in the performance of its duties, and it

shall be the duty of such departments to render such assistance to the Commission as may reasonably be required.

**Section Five:** The membership of both the Planning Commission and Board of Zoning Appeals, now dissolved, is hereby invited to seek appointment to the Planning & Zoning Commission.

**Section Six:** All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as they do so conflict. All references to either the “Planning Commission” or the “Board of Zoning Appeals” is hereby replaced with “Planning & Zoning Commission” wheresoever such references appear in City codes, ordinances, and regulations.

**Section Seven:** This ordinance shall be in full force and effect beginning on January 1<sup>st</sup> 2024.

\_\_\_\_\_  
MAYOR OF THE CITY OF ROCK ISLAND

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

CITY CLERK