

## Rock Island Board of Zoning Appeals Agenda

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

1528 3rd Avenue

September 13, 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 September 13, 2023  
*Recommended Motion: Move to approve the written agenda for September 13, 2023*
  - B. Approval of the August 9, 2023 Meeting Minutes  
*Recommended Motion: Move to approve the meeting minutes for August 9, 2023.*
4. Old Business
5. New Business
  - A. 2023-17 Public Hearing: David Pearce at 1319 101<sup>st</sup> Avenue Court West – Variance to allow an above ground swimming pool in the west front yard.  
*Recommended Motion: Move to approve the variance with a stipulation*
  - B. 2023-18 Public Hearing: Clinton Irwin at 1556 41<sup>st</sup> Street – Variance to allow a garage to be 3 feet closer to the property line adjacent to an alleyway than required.  
*Recommended Motion: Move to approve the variance with a stipulation*
  - C. 2023-19 Public Hearing: Ann McGlynn of Tapestry Farms at 2525 4<sup>th</sup> Avenue, Quad City Botanical Center – Variance to allow an accessory structure in the front yard and 13 feet closer to the west property line than required.  
*Recommended Motion: Move to approve the variances with a stipulation*
  - D. 2023-20 Public Hearing: Hammad Grewal of AOC Center LLC at 3009 18<sup>th</sup> Avenue, Essentials: Variance to allow a greater attached sign area, window signs in the area 5 to 7 feet above grade, and greater coverage area for window signs.  
*Recommended Motion: Move to deny the variances as requested but approve a variance with stipulations to increase the attached sign area to 88 square feet*

6. Other Business

- A. Discussion on the consolidation of the 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

August 9, 2023

5:30 PM



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

### Call to Order and Roll Call

Chair Snyder called the meeting to order at 5:33 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

Sowards moved to approve the written agenda for August 9, 2023. Lawrence seconded the motion. The motion carried unanimously on a vote of 5 to 0.

### Approval of the Previous Meeting Minutes

Mewes moved to approve the minutes for July 12, 2023. Lawrence seconded the motion. The motion carried unanimously on a vote of 5 to 0.

### Old Business

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

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.

Osing presented the staff report. 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).

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.

Mewes asked if there is a minimum distance requirement from a pool to a structure than it is for a house or garage. Osing responded it falls under an accessory structure so would have to meet the 6-foot setback requirement.

Chair Snyder called for the applicant.

Bradford Hill of 4016 7<sup>th</sup> Avenue is sworn in. The applicant stated he would want to place a pool on his property back yard but is impeded by the oak tree in his back yard. The pool will also restrict access to the house from the garage. He is asking for a variance to have a pool for his family to enjoy.

Whitten asked if the applicant has a fenced in yard with which the applicant responded he would like to do so for privacy.

Lawrence expressed concern for the placement of the pool and proximity to the school adjacent the property as this would attract children to use the pool. Osing clarified that the pool being 4 feet tall will satisfy the building code requirements.

Mewes asked if the applicant knew the distance between the house and garage. Whitten asked if there is room to move the pool closer to the garage. The applicant responded negatively.

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

Decision Case 2023-15 – Mewes 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: There is a unique circumstance as the property sits on a corner lot and has 2 front yards.

Lawrence seconded the motion. The motion was denied on a vote of 3 to 2 since concurring votes are required to approve a variance (Ayes - Whitten, Lawrence, and Mewes) (Nays - Snyder and Sowards).

## **New Business**

2023-16 Public Hearing: Raheem Flowers of 4500 27<sup>th</sup> Avenue – Variance 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.

Osing presented the staff report. He stated that 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).

Osing stated that 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.

Whitten wanted clarification on aligning a six (6) foot fence by the house. Osing responded that it would need be where the building line is directly.

Chair Snyder called for the applicant.

Raheem Flowers of Rock Island was sworn in. The applicant pointed out other neighbors have the same fence height and his fence would be in line with the character of the neighborhood. He also does not believe it is obstructing traffic visibility on 27<sup>th</sup> Avenue. He put up his fence in May.

Chair Snyder asked if he put the fence up himself or he had a contractor put it up with which he responded he had a contractor put the fence up. The applicant added he has plans to put a pool in the back yard.

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

Decision Case 2023-16: Whitten made a motion to approve the request for the variance because:

1. Reasonable Return: The property cannot yield a reasonable return without a six (6) foot fence in the front yard.
2. Character Alteration: The fence does not alter the character of the neighborhood.

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

### **Other Business**

#### Discussion on the consolidation of Planning Commission and Board of Zoning Appeals

Osing provided reasons for the consolidation of the Board of Zoning Appeals and Planning Commission. He explained in situations where applicants need to go through 2 separate applications, this can be handled by sending out one public notice and during one meeting. All previous responsibilities would not change with the consolidation.

The Board provided feedback on the proposed consolidation with some members expressing interest in joining the proposed commission.

### **Adjournment**

Chair Snyder adjourned the meeting at 6:30 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 2023-17: Zoning Variance Request  
**Date:** September 9, 2023



Applicant:  
David Pearce

Location:  
1319 101<sup>st</sup> Avenue Court West

Size of Property:  
The property measures 10,259 square feet with 136 feet of frontage on 14<sup>th</sup> Street West.

Topography:  
The property slopes up from east to west by approximately 8 feet and sits above street level if viewed from the east.

Zoning History:  
None.

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

Project Details:  
The applicant approached staff about installing a 12' by 18' by 54" above ground pool on their property in their west front yard that will be attached to an existing deck and setback 26 feet from the west property line. Staff informed the applicant a variance would be needed for the project.

Requested Action and Affected Requirements:  
The request is for one (1) variance from the Zoning Ordinance for the proposed above ground pool as described in Table 1.

Table 1

Variance	Requested Action	Affected Requirements
(1)	The applicant proposes to locate the 12' by 18' by 54" above ground pool (accessory structure) in their west front yard adjacent to 14 <sup>th</sup> Street West.	The Zoning Ordinance requires that accessory structures to be located in the side or rear yard

		(Article 11, Section 6-a). The pool is proposed to be located in the front yard, so a variance is needed.
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Conditions to Authorize Variances & Staff Analysis

Variances shall only be authorized if two (2) of the three (3) conditions as provided in Article 8, Section 6-A of the Zoning Ordinance are found. The Board will make the final decision regarding this request. Table 2 includes the conditions to authorize variances with the corresponding staff analysis and conclusion of if the condition is met.

Table 2

Conditions to Authorize Variance	Staff Analysis	Meets Condition (Yes/No)
i. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;	Staff believe that a variance is needed for the property to yield a reasonable return. Although, the house has an attached garage, the addition of any other accessory structure would prove challenging given the lack of buildable area in the side yards. Most other properties in the subdivision do not face this challenge.	(1) Yes.
ii. The plight of the owner is due to unique circumstances. There are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district; and	(1) The property has two fronts, two side yards, and no rear yard. Most other properties in the subdivision have a more traditional layout where this is not the case. Additionally, properties further north on 14 <sup>th</sup> St West were developed with accessory structures in their west front yard. Staff believe the property owner faces a unique circumstance.	(1) Yes.

<p>iii. The variation, if granted, will not alter the essential character of the locality. Such variance is necessary for the preservation and enjoyment of a substantial property right-of-way possessed by other properties in the same zoning district and in the vicinity.</p>	<p>(1) The proposed pool will be buffered by the house from the properties in the subdivision to the east and also be setback 26 feet from the west property line. The main property that may be affected is across 14<sup>th</sup> Street West. That property has adequate foliage and trees that screen the viewshed. With adequate screening around the pool, staff believe that the neighborhood character will not be altered.</p>	<p>(1) Yes, but only if screening is provided.</p>
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**Recommendation:**

The Community & Economic Development Department recommends that the Board approve the variance with the following stipulation because the variance is needed for the property to yield a reasonable return, there are unique circumstances and that the proposed pool location will not alter the character of the neighborhood.

1. 4 shrubs with an expected mature height of 5 feet or a similar alternative screening as determined by the Planning & Zoning Manager will be provided along the west side of the 12' by 18' by 54" above ground pool.

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

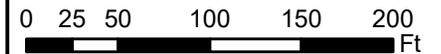
# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-17 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 2023-17

### Legend

-  Subject Property
-  Parcels
- R1** Zoning District



### City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



**R1**

ANGELA/  
DANIEL  
CAMPBELL

RAJU S  
PENMATCHA

RICHARD T/  
CARRI R  
NICKEL

RANDY M/  
PATRICIA L  
REEVES

14TH STREET WEST

101TH AVENUE WEST

102ND AVENUE WEST

Shed

Proposed  
Swimming  
Pool

House

SCOTT/MONIQUE  
COPEN

BRENDA K/  
GREGORY W  
STAMP

ROBERT P  
HAPP

SAB RENTALS LLC  
SERIES 1

ROBERT D  
GARNER

JEFFREY A  
WHIPPLE

KIM L  
HARTMAN

070 LLC  
SFR3

SCOTT A  
PARKER

JOSHUA E/  
GINGER L  
SMITH

JARROD  
MCMURRAY

MICHAEL L  
MATALIK

TIMOTHY &  
HEATHER  
SUNLIN

J R  
SEIFELDT

ALEX J  
NEVILLE

SELENA M  
WELLINGTON

DENNIS J/  
SUSAN G  
TREANOR

RAY  
LEE



Figure 1: Photo showing view of west front yard.

Applicant's drawing

shed  
10'x14'

14TH STREET WEST

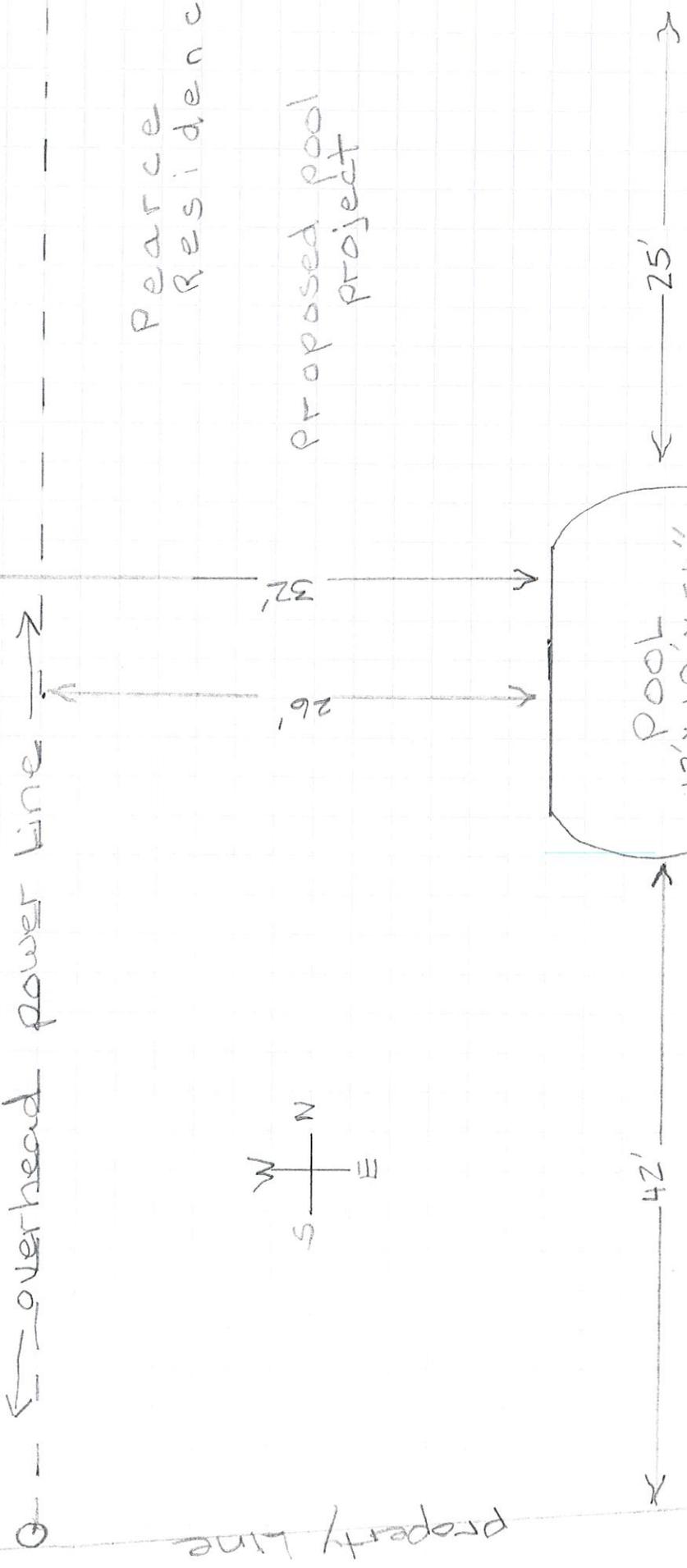
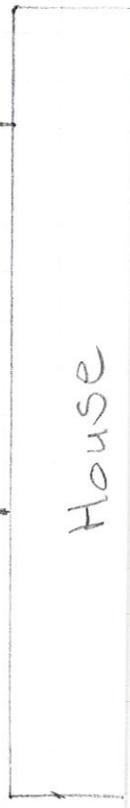
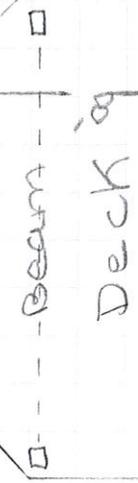
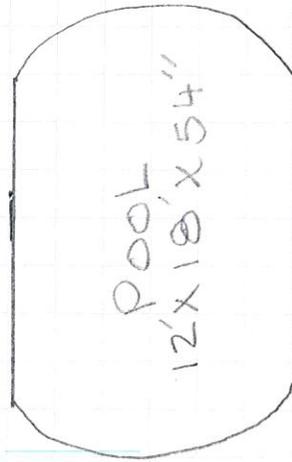
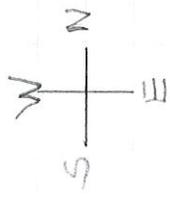
Right of way

Property Line

Pearce  
Residence

Proposed pool  
project

Overhead power line



42'

25'

32'

26'

Property line

**Memorandum  
Community and Economic Development Department**

**To:** Rock Island Board of Zoning Appeals  
**Subject:** Case 2023-18: Zoning Variance Request  
**Date:** September 9, 2023



Applicant:  
Clinton Irwin

Location:  
1556 41<sup>st</sup> Street

Size of Property:  
The property measures 43' by 112' (4,816 square feet).

Topography:  
The property is flat and sits slightly above street level.

Zoning History:  
None.

Existing Land Use & Zoning:  
The site is occupied by a house and a detached garage that is zoned R-2 (one and two unit residential) district. To the north, west, and east of the property are residences also zoned R-2. To the south of the property are residences zoned R-3 (one to six unit residential) district.

Project Details:  
The applicant came in to take out a building permit for a 24' by 30' garage. After looking at the site plan and speaking with the applicant, staff learned that a variance would be needed for the proposed location.

Requested Action and Affected Requirements:  
The request is for one (1) variance from the Zoning Ordinance for the proposed garage as described in Table 1.

Table 1

Variance	Requested Action	Affected Requirements
(1)	The applicant proposes to locate the garage 3 feet from the west property line that is adjacent to the north-south alleyway.	The Zoning Ordinance requires that accessory structures be setback 6 feet from an alleyway (Article 11, Section 6-a), so the proposed location is 3 feet closer than allowed.

Conditions to Authorize Variances & Staff Analysis

Variances shall only be authorized if two (2) of the three (3) conditions as provided in Article 8, Section 6-A of the Zoning Ordinance are found. The Board will make the final decision regarding this request. Table 2 includes the conditions to authorize variances with the corresponding staff analysis and conclusion of if the condition is met.

Table 2

Conditions to Authorize Variance	Staff Analysis	Meets Condition (Yes/No)
<p>i. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;</p>	<p>Staff believe that the property could yield a reasonable return with a slightly smaller garage or minor reconfiguration in the site plan that would be conforming to the setback requirements.</p>	<p>(1) No.</p>
<p>ii. The plight of the owner is due to unique circumstances. There are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district; and</p>	<p>(1) Although the property is bordered by an alleyway on two sides, the buildable area is still the same as other properties on the block given a slightly larger lot size. An electrical pole just south from the middle of the applicant's west property line hinders access for a west facing garage orientation. The proposed south facing orientation will help access for the applicant's desired garage size and the 3 foot setback help the applicant retain desired back yard space. Staff believe the positioning of the electrical pole is a unique circumstance.</p>	<p>(1) Yes.</p>

<p>iii. The variation, if granted, will not alter the essential character of the locality. Such variance is necessary for the preservation and enjoyment of a substantial property right-of-way possessed by other properties in the same zoning district and in the vicinity.</p>	<p>(1) The existing garage creates a blind intersection. The proposed location of the new garage will allow for better visibility, although, Additionally, the property immediately west has a garage with a nonconforming setback of less than 3 feet. Staff believe the setback reduction will not alter the character of the neighborhood and promote better visibility, especially if the garage was setback further from the south property line.</p>	<p>(1) Yes, but only if setback further from south property line.</p>
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**Recommendation:**

The Community & Economic Development Department recommends that the Board approves the variance with the following stipulation because there are unique circumstances and the reduced setback will not alter the character of the neighborhood.

1. The proposed 24' by 30' garage shall be setback 10 feet from the south property line.

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

# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS

### 2023-18 Aerial

**Legend**

-  Subject Property
-  Parcels
- R1** Zoning District



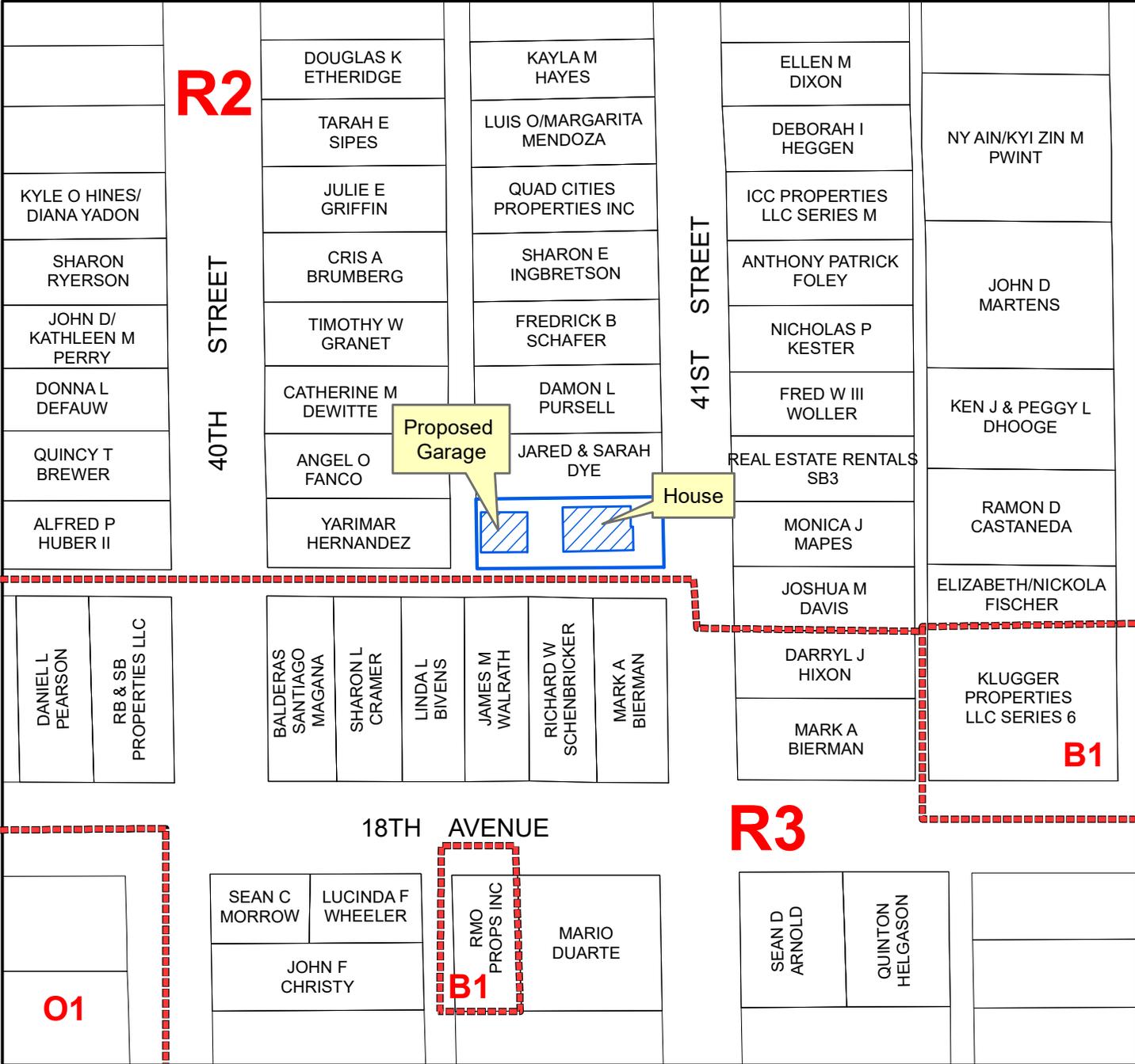
0 20 40 80 120 160 Feet

## City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-18

**Legend**

- Subject Property
- Parcels
- R1 Zoning District



0 20 40 80 120 160 Feet



**City of Rock Island**

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



ROCK ISLAND  
ILLINOIS



Figure 1: Photo looking northeast at rear yard.



Figure 2: Photo looking northwest at rear yard.

150' ± 1 foot 112' x 40' LOT

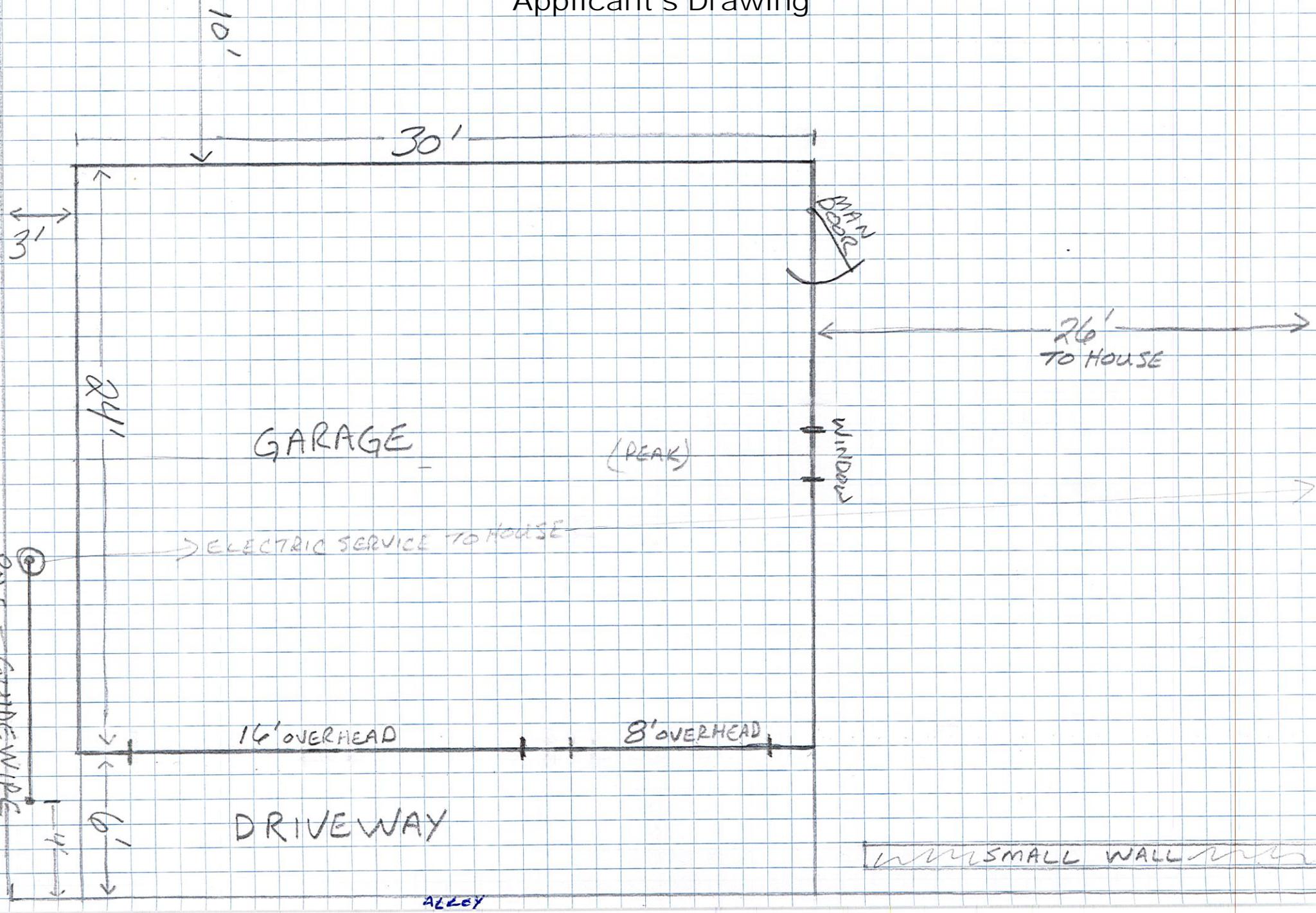
PROPERTY LINE

SIDEWALK

SIDEWALK

SIDEWALK

Applicant's Drawing



ALLEY

DRIVEWAY

16' OVERHEAD

24' x 24'  
GARAGE

2' FENCE

HOUSE

PROPERTY LINE (SHARED FENCE)

SIDEWALK

SIDEWALK

10'

30'

3'

24'

WALL  
HEAD

1556 41<sup>ST</sup> STREET

GARAGE (PEAK)

WINDOW

ELECTRIC SERVICE

POLE-GUIDEWIRE

5'6"

DRIVEWAY

SMALL WALL

BUSHES

ALLEY

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

**To:** Rock Island Board of Zoning Appeals  
**Subject:** Case 2023-19: Sign Variance Requests  
**Date:** September 8, 2023



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Applicant:

Ann McGlynn of Tapestry Farms

Location:

2525 4<sup>th</sup> Avenue, Quad City Botanical Center

Size of Property:

The property totals 194,630 square feet with 315 feet of frontage along 4<sup>th</sup> Avenue and 400 feet of frontage along 25<sup>th</sup> Street.

Topography:

The property is flat and sits slightly above street level.

Zoning History:

- Planning Commission Case 1997-06: A site plan review for the botanical center development and a rezoning was approved.
- Board of Zoning Appeals Case 1998-69: A variance to locate temporary structures in the side yard was approved for one year.
- Board of Zoning Appeals Case: 1999-7: A variance to locate a greenhouse (accessory structure) in the side yard was approved.

Existing Land Use & Zoning:

The site is occupied by the Quad City Botanical Center and is zoned B-3 (community business) district. To the north of the property are City-owned riverfront parcels zoned C-1 (park conservation) district. To the south and east are businesses zoned B-3. To the west of the property is the Children's Garden zoned B-3 and Jackson Square and Garden District properties zoned PUD (planned unit development) district.

Project Details:

Tapestry Farms is a local non-profit that specializes in urban farming and working with refugees who have resettled in the Quad Cities. The group has eight (8) outdoor garden plots in the area, but wishes to provide year round food production and recently received funding for a hydroponic container farm. They have partnered with the Quad City Botanical Center to locate it on the property. The 10' by 50' modular container is proposed to be located in the south front yard in farthest west parking stalls and setback seven (7) feet from the west property line and over twenty (20) feet from the south property line. The proposed location will eliminate approximately 9 parking spaces, which does not cause any issue with parking requirements.

Requested Action and Affected Requirements:

The request is for two (2) variances from the Zoning Ordinance for the proposed hydroponic container farm as numbered and described in Table 1.

Table 1

Variance	Requested Action	Affected Requirements
(1)	The applicant proposes to locate a 10' by 50' container farm (accessory structure) in the south front yard of the property.	The Zoning Ordinance allows accessory structures in rear and sides yards, but not in front yards (Article 11, Section 6-a). Since the container farm is located nearer to a public street than the principal building, a variance is needed.
(2)	The applicant proposes to locate the container farm 7 feet from the 25 <sup>th</sup> Street property line.	The Zoning Ordinance requires structures in B-3 zoning districts to be setback 20 feet from public streets (Article 20, Section 5). The proposed setback is 13 feet less than required.

Conditions to Authorize Variances & Staff Analysis

Variances shall only be authorized if two (2) of the three (3) conditions as provided in Article 8, Section 6-A of the Zoning Ordinance are found. Since the subject property is business zoned and over 20,000 square feet, the Board's vote will be in the form of a recommendation to the City Council for final action. Table 2 includes the conditions to authorize variances with the corresponding staff analysis and conclusion of if the condition is met. In the staff analysis, numbers (1 & 2) are provided that correspond to the requested variances in Table 1. If no numbers are provided, the analysis pertains to all requested variances.

Table 2

Conditions to Authorize Variances	Staff Analysis	Meets Condition (Yes/No)
i. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;	Staff believe that the property already yields a reasonable return without the requested variances, and other buildings conforming to the Zoning Ordinance could do the same.	(1) No (2) No

<p>ii. The plight of the owner is due to unique circumstances. There are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district; and</p>	<p>(1) The Botanical Center building is setback approximately 290 feet from 4<sup>th</sup> Avenue and 130 feet from 25<sup>th</sup> Street, and does not have a rear yard. The far setbacks create a needed buffer for the garden area, but also limits the building space for adding accessory buildings. Staff believe this is a unique circumstance given the need for secluded garden space that provides community benefit.</p> <p>(2) The surrounding neighborhood is on the periphery of the downtown core and contains older buildings that are setback closer to the street. The subject property was more recently developed when different zoning standards applied.</p>	<p>(1) Yes. (2) Yes.</p>
<p>iii. The variation, if granted, will not alter the essential character of the locality. Such variance is necessary for the preservation and enjoyment of a substantial property right-of-way possessed by other properties in the same zoning district and in the vicinity.</p>	<p>(1) The proposed container farm will meet the 20 foot setback requirement from 4<sup>th</sup> Avenue, although, its located in the front yard. The parking lot also has adequate landscaping that provides a visual buffer.</p> <p>(2) 25<sup>th</sup> Street functions as a side street and other buildings to the south have smaller setbacks. The proposed 7 foot</p>	<p>(1) Yes. (2) Yes.</p>

	setback will be consistent with this character.	
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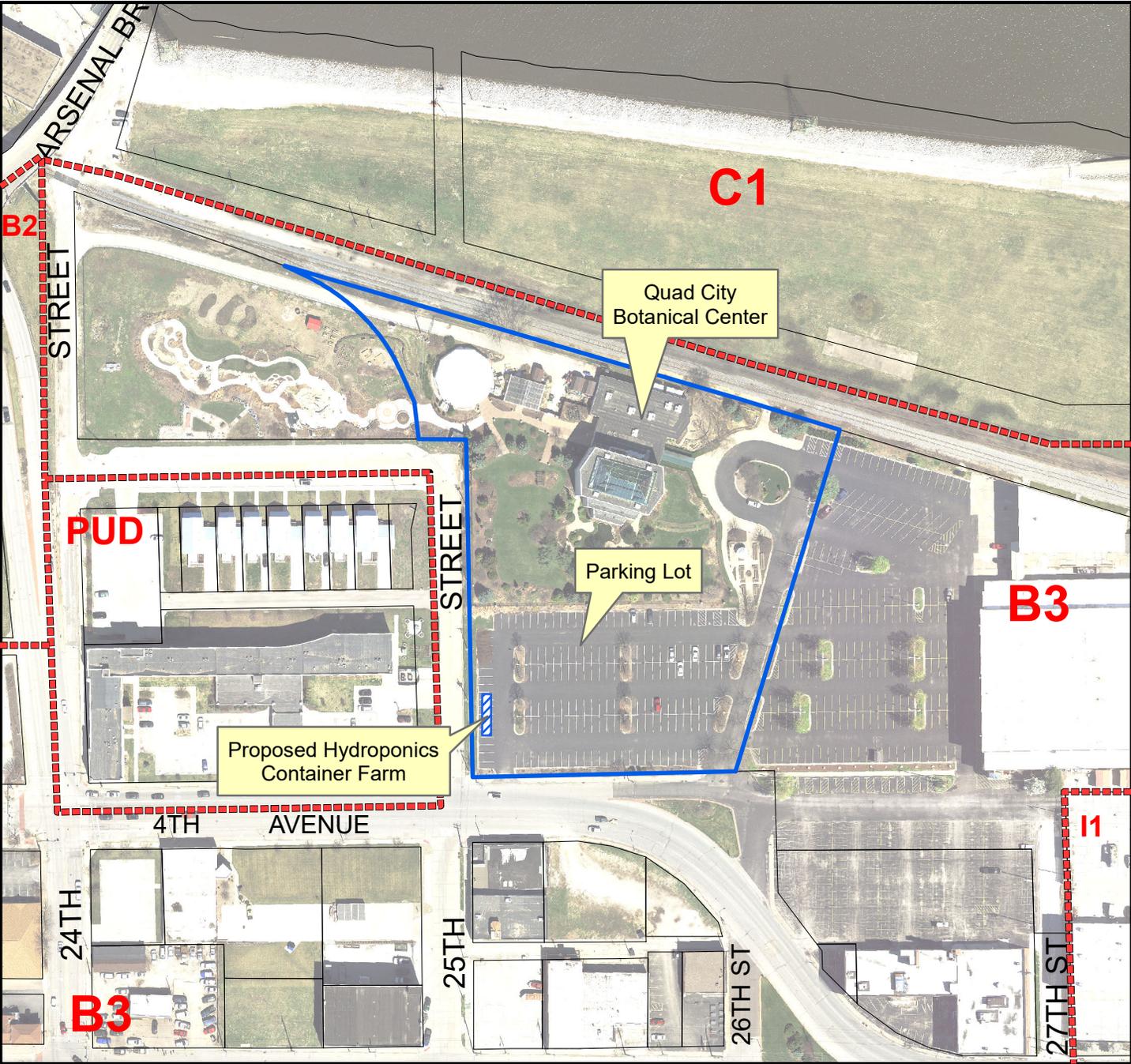
**Recommendation:**

The Community & Economic Development Department recommends that the Board pass a recommendation to the City Council to approve the variances with the following stipulation because there are unique circumstances and the proposed location of the container farm will not alter the character of the neighborhood.

1. Adequate buffering shall be provided from the west parking lot drive aisle and south parking stalls in the form of flower planters or similar elements, as determined by the Planning & Zoning Manager.

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

# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-19 Aerial

### Legend

-  Subject Property
-  Parcels
- B2** Zoning District



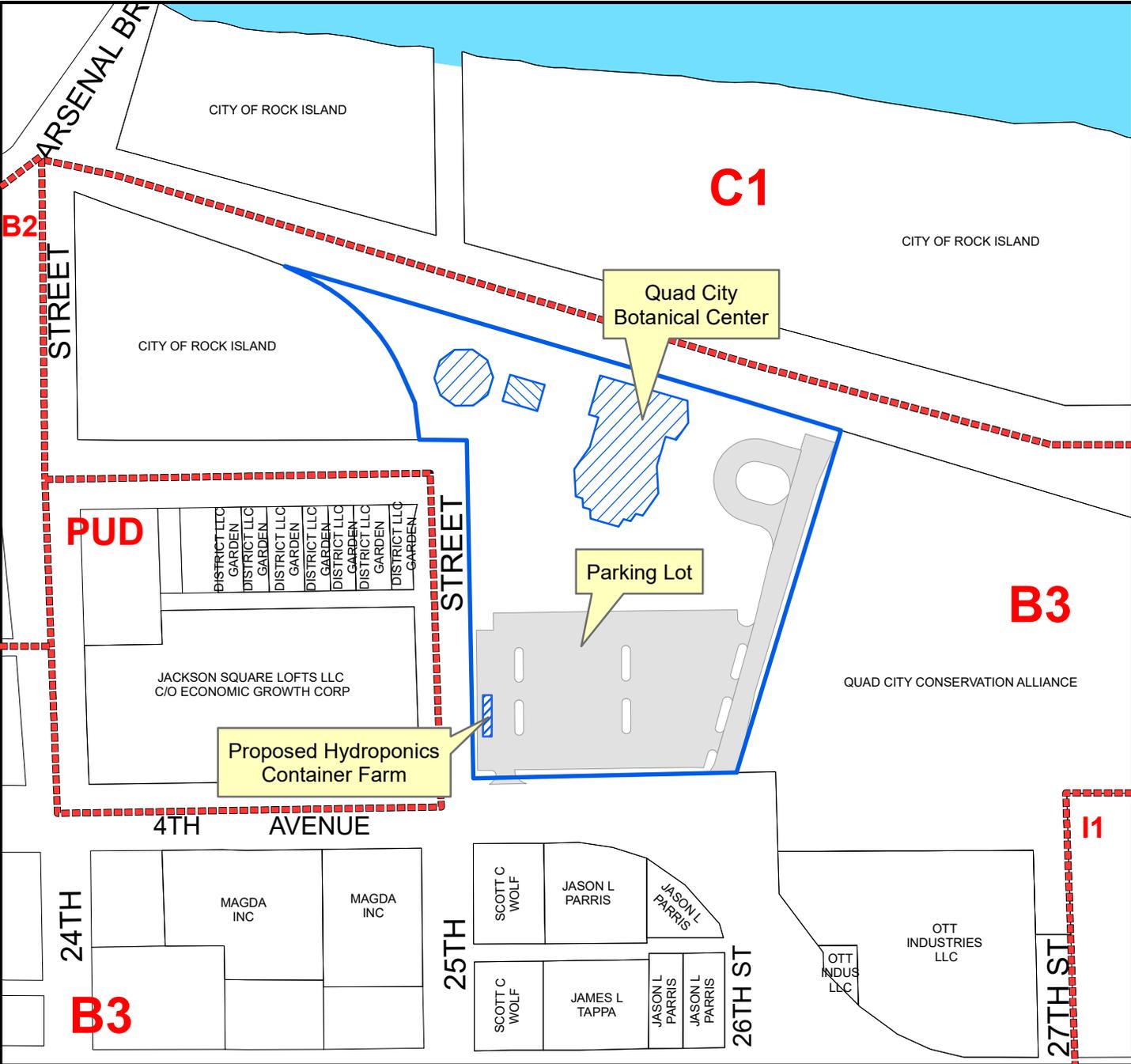
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## City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-19

**Legend**

- Subject Property
- Parcels
- B2 Zoning District



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**City of Rock Island**

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



**ROCK ISLAND**  
ILLINOIS



Figure 1: Photo looking south of proposed location in the parking stalls observed on the righthand side.



Figure 2: Photo of example hydroponic container farm.

**Memorandum  
Community and Economic Development Department**

**To:** Rock Island Board of Zoning Appeals  
**Subject:** Case 2023-20: Sign Variance Requests  
**Date:** September 8, 2023



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Applicant:

Hammad Grewal of AOC Center, LLC

Location:

3009 18<sup>th</sup> Avenue, Essentials

Size of Property:

The property totals 31,892 square feet. The business has approximately 34 feet of frontage on 18<sup>th</sup> Avenue.

Topography:

The property is flat and sits slightly above street level.

Zoning History:

None.

Existing Land Use & Zoning:

The site is occupied by a multi-tenant building with three business spaces and is zoned B-3 (community business) district. To the east of the property are residences and a business zoned a mix of B-1 (neighborhood business) and R-2 (one- and two-unit residential). To the west are businesses zoned B-3 and to the south are also business zoned a mix of B-3 and B-1.

Project History:

Staff became aware of the sign violations for the business during routine inspections. Through the enforcement process, staff learned that the attached wall sign was not permitted and therefore never passed review for Sign Ordinance compliance. The applicant, wishing to keep the existing signs, decided to apply for variances.

Requested Action and Affected Requirements:

The request is for three (3) variances from the Sign Ordinance to maintain the existing attached wall and window signs (perforated decals) as numbered and described in Table 1.

Table 1

Variance	Requested Action	Affected Requirements
(1)	The applicant proposes to keep all existing attached signage. The attached wall sign is 75 square feet (3.4' by 22') and the window signs total 45 square feet for an attached sign total of 120 square feet.	The Sign Ordinance allows attached signs (wall and window signs) to have an aggregate area of one square foot for each linear foot of building frontage facing a street (Section 4-64-a-2). Since the tenant space has 34 feet of frontage, the existing attached sign area is 86 square feet over what is allowed.
(2)	The applicant proposes to keep all existing window signage that is located five (5) to seven (7) feet above grade in the window panes.	The Sign Ordinance requires that the interior and exterior surface of any window pane between five (5) and seven (7) feet measured from grade shall be completely uncovered and unobstructed so that the interior of the structure is visible from the exterior (Section 4-64-a-13). The current window signs in that area, besides the Open sign, do not meet any exemption in the ordinance.
(3)	The applicant proposes to keep all existing window signage that covers 66%, 44%, 67% and 60% of the four (4) window panes going from west to east respectively.	The Sign Ordinance requires that window signs cover no more than 25% of the window pane outside of area measured five (5) to seven (7) feet above grade (Section 4-64-a-13). The existing window signs in the four (4) window panes going from west to east, respectively, cover 41%, 19%, 42%, and 35% more of the panes than what is allowed.

Conditions to Authorize Variances & Staff Analysis

Variances shall only be authorized if two (2) of the three (3) conditions as provided in Article 8, Section 6-A of the Zoning Ordinance are found. Since the subject property is business zoned and over 20,000 square feet, the Board’s vote will be in the form of a recommendation to the City Council for final action. Table 2 includes the conditions to authorize variances with the corresponding staff analysis and conclusion of if the condition is met. In the staff analysis, numbers (1, 2, & 3) are provided that correspond to the requested variances in Table 1. If no numbers are provided, the analysis pertains to all requested variances.

Table 2

Conditions to Authorize Variances	Staff Analysis	Meets Condition (Yes/No)
<p>i. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;</p>	<p>Staff believe that the property can yield a reasonable return without the requested variances. Former businesses and neighboring businesses have been successful in the 18<sup>th</sup> Avenue corridor with conforming signs.</p>	<p>(1) No (2) No (3) No</p>
<p>ii. The plight of the owner is due to unique circumstances. There are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district; and</p>	<p>(1) The applicant reasons that the increased attached sign area is needed due to the buildings being setback 75 feet from 18<sup>th</sup> Avenue, traffic speeds, and the size of other signs nearby. Additionally, staff reason that other corner properties nearby have a layout that is conducive to signs being visible from major streets. Staff concur with the applicant, but disagree that the sign area should be increased to 120 square feet. Staff believe that an increase to 88 square feet is</p>	<p>(1) Yes, but only if increased to 88 square feet. (2) No. (3) No.</p>

	<p>sufficient for the circumstances. 88 square feet equals the total allowed attached sign area for the business including both facades.</p> <p>(2) Staff believe that no unique circumstances exist that necessitate window signs being located in the area five (5) to seven (7) feet above grade. That requirement was added to Ordinance in 2019 to provide first responders better visibility into buildings during emergency situations.</p> <p>(3) Staff believe that no unique circumstances necessitate increases in the window sign coverage area. The applicant has adequate window space to place signs.</p>	
<p>iii. The variation, if granted, will not alter the essential character of the locality. Such variance is necessary for the preservation and enjoyment of a substantial property right-of-way possessed by other properties in the same zoning district and in the vicinity.</p>	<p>(1) Staff believe that the existing total sign area alters the character of the neighborhood through sign clutter. However, if the allowed sign area was limited to 88 square feet, staff reason that there would be minimal impact on neighborhood character since that amount would be allowed for the business if it exercised its signable area on 31st Street.</p> <p>(2) Staff believe the window signs in the</p>	<p>(1) Yes, but only if increased to 88 square feet</p> <p>(2) No.</p> <p>(3) No.</p>

	<p>area five (5) to seven (7) feet above grade causes sign clutter and issues with public safety, which alters neighborhood character.</p> <p>(3) Staff believe that the existing coverage area of the windows signs causes sign clutter and that a maximum coverage of 25% is a reasonable dimension.</p>	
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**Recommendation:**

The Community & Economic Development Department recommends that the Board pass a recommendation to the City Council to deny the variances as requested but approve a variance to increase the total attached sign area for the 18<sup>th</sup> Avenue business frontage to 88 square feet with the following stipulations because there are unique circumstances and the increased sign area will not alter the character of the neighborhood.

1. Only one (1) attached wall sign shall be allowed for the business and shall not exceed 75 square feet.
2. No attached or freestanding signage, including permanent and temporary signs, shall be provided on the property's lot frontage and building façade adjacent to 31<sup>st</sup> Street.
3. No attached electronic message sign, if provided in the future, shall exceed 17 square feet.

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

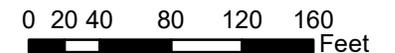
# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-20 Aerial

### Legend

-  Subject Property
-  Parcels

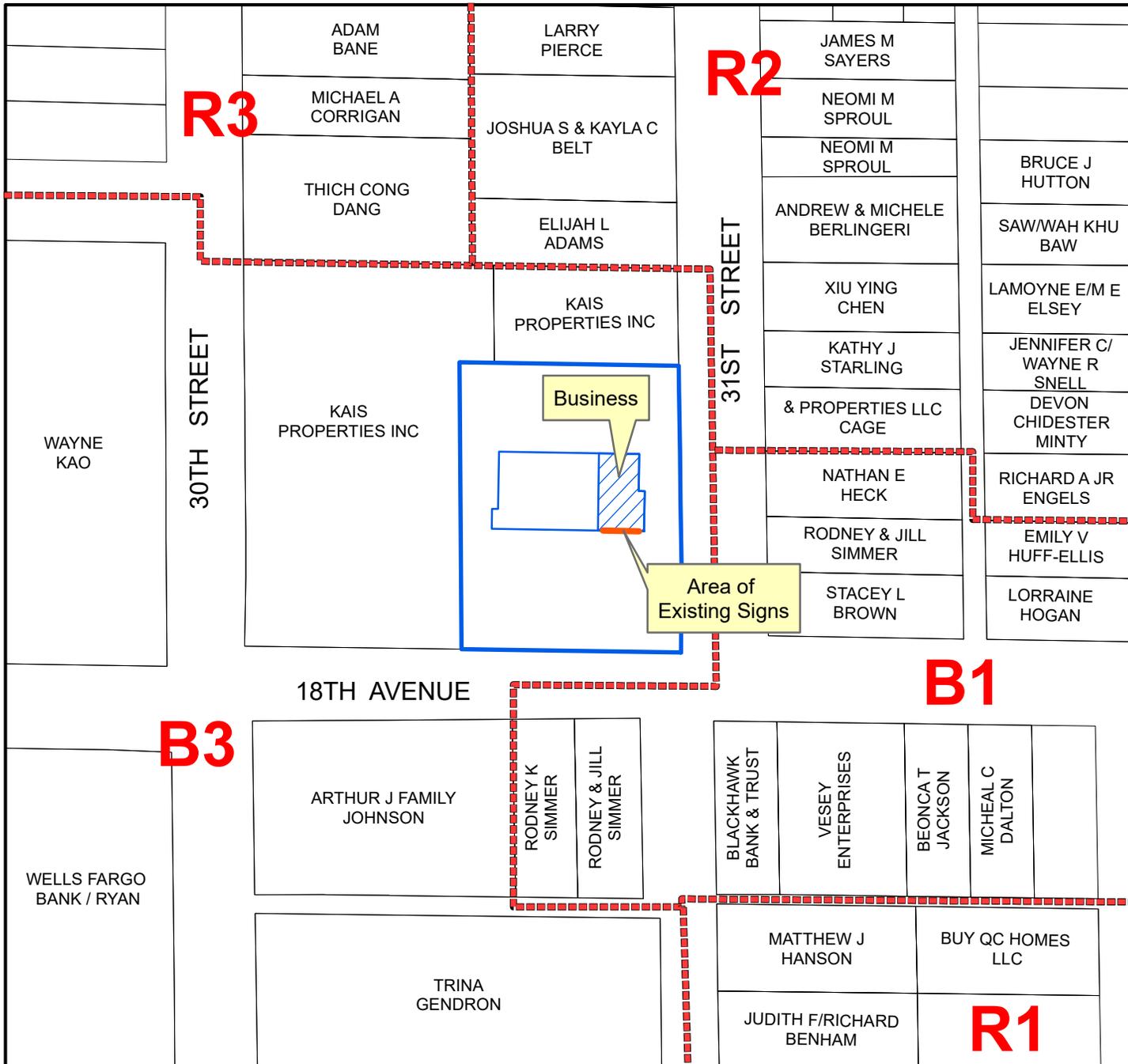


## City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



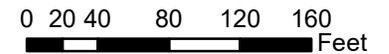
# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-20

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## City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment





Figure 1: Photo of attached signs at night.



Figure 2: Photo of attached signs during the daytime.

# **Applicant's provided reasoning**

## **Reason variance is being sought:**

The building 3009-3015 18<sup>th</sup> Ave has a 75ft setback from the 18<sup>th</sup> Avenue, in a 35 MPH traffic zone. There is a lot of other signage in the area that is significantly large (Wells Fargo, Blackhawk Bank, Walgreens), we need a large size sign for visibility. The sign looks great and is propionate to the building.

It is also worth noting that 3015 18<sup>th</sup> Ave is located at the intersection of 18<sup>th</sup> Ave and 31<sup>st</sup> Street—it is a corner lot. Instead of adding signage to the 31<sup>st</sup> Street side of the building, we choose to focus on the building front.

## 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 bodies 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. Assisting in the preparation and recommending, including any changes, to City Council a Comprehensive Plan for future development of the City.
- D. Acting as a liaison between the City, agencies, associations, and residents relative to programs and activities;
- E. Making recommendations on the development of new programs and activities including those in pursuance of the Comprehensive Plan;
- F. Monitoring and evaluating programs and activities; and

- G. 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