

## Rock Island Board of Zoning Appeals Agenda

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

1528 3rd Avenue

October 11, 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 October 11, 2023  
*Recommended Motion: Move to approve the written agenda for October 11, 2023*
  - B. Approval of the September 13, 2023 Meeting Minutes  
*Recommended Motion: Move to approve the meeting minutes for September, 2023.*
4. Old Business
5. New Business
  - A. 2023-21 Public Hearing: Robert York at 3201 25<sup>th</sup> Street – Variance to a boat on a trailer (recreational vehicle) to be parked in the front yard of the property.  
*Recommended Motion: Move to deny the temporary use variance request.*
  - B. 2023-22 Public Hearing: Robert Timm at 3301 25<sup>th</sup> Street – Temporary use variance to a camper trailer and utility trailer to be parked on gravel (unimproved surface).  
*Recommended Motion: Move to deny the variance request.*
6. 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

September 13, 2023

5:30 PM



<b>Voting Members Present</b>	Gary Snyder Bill Sowards Pandora Lawrence Donald Mewes
<b>Voting Members Absent</b>	Kevin Day Nicole Parker Tanja Whitten
<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 5:35 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

Mewes moved to approve the written agenda for September 13, 2023. Lawrence seconded the motion. The motion carried unanimously on a vote of 4 to 0.

### Approval of the Previous Meeting Minutes

Mewes moved to approve the minutes for August 9, 2023. Lawrence seconded the motion. The motion carried unanimously on a vote of 4 to 0.

### Old Business

### New Business

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

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.

Osing presented the staff report and added that the staff analysis will be spelt out as asked by the City Council. 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. 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.

He noted staff recommends the board approves the variance with the added 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. The stipulation requirement of 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.

Mewes clarified which of the front yards is the principal front yard. Osing noted that the definition of front yards in the zoning code which is between a building line and public street and same applies to corner lots as they do not have a traditional rear yard.

Chair Snyder called for the applicant, David Pearce. Lynn Pearce, wife of David Pearce stood in.

Lynn Pearce of 1319 101<sup>st</sup> Avenue Court West was sworn in. Lynn Pearce stated they wanted to put a pool in their backyard and upon speaking with staff were informed it is technically their front yard. They wish to go ahead with setting up the pool in the sited location. Lynn also wanted to know if they could put up a fence in their back yard/front yard. Osing clarified they can put up a four (4) foot fence along 14<sup>th</sup> Street West. He noted that if they wish to put up a six (6) foot fence, they will have to go through another variance request.

Richard Nickel, interested party was called forward to probe the applicant. Richard had no questions but agrees with the recommendation of staff. He added he lives directly across the street and the Pearce's have been good neighbors. He spoke in favor of the request.

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

Decision Case 2023-17 – Sowards made a motion to approve the request for the variance with the stipulation 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.

Additionally, Sowards added the following stipulation to the approval request:

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

Lawrence seconded the motion. The motion passed unanimously on a vote of 4 to 0 (Snyder, Lawrence, Mewes, and Sowards).

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.

Osing presented the staff report. He stated that the Zoning Ordinance requires that accessory structures be setback six (6) feet from an alleyway (Article 11, Section 6-a), so the proposed location is three (3) feet closer than allowed.

Osing stated that the applicant proposes to locate the garage 3 feet from the west property line that is adjacent to the north-south alleyway.

He noted staff recommends the Board approves the variance with the added stipulation because there are unique circumstances and the reduced setback will not alter the character of the neighborhood. The stipulation being that the proposed 24' by 30' garage shall be setback 10 feet from the south property line instead of the required 6 feet to allow for visibility at the intersection.

Chair Snyder called for the applicant, Clinton Irwin.

Clinton Irwin of 1556 41<sup>st</sup> Street was sworn in. The applicant stated the 10 feet setback will add some difficulty as he wanted to work with the initial 6 feet indicated in the diagram he presented.

Mewes wanted to know if staff spoke to the applicant about the setback stipulation. Irwin says he read it when he received an email from staff. Mewes also wanted to know how the ten (10) feet setback will affect his plan. The applicant noted that he plans on fencing in the yard and the 3-foot setback will allow for other uses for the backyard. He will also need to have room for a larger tree service to have access to trees between the properties. Irwin noted that he is willing to have an eight (8) foot setback from the south alleyway.

Mewes wanted to know if the stipulation could be modified. Osing responded affirmatively.

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

Decision Case 2023-18: Mewes made a motion to approve the request for the variance with an amended stipulation because:

1. Unique Circumstances: The positioning of the electrical pole is a unique circumstance.
2. Character Alteration: The reduced setback/ proposed variance does not alter the character of the neighborhood.

Additionally, Mewes added the following amended stipulation to the approval request:

1. The proposed 24' by 30' garage shall be setback 8 feet from the south property line.

Lawrence seconded the motion. The motion passed unanimously on a vote of 4 to 0 (Snyder, Lawrence, Mewes, and Sowards).

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.

Osing presented the staff report. 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. 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.

The applicant proposes to locate a 10' by 50' container farm (accessory structure) in the south front yard of the property. The applicant proposes to locate the container farm 7 feet from the 25<sup>th</sup> Street property line.

He noted staff recommends the Board pass a recommendation to the City Council to approve the variances with the added stipulation because there are unique circumstances and the proposed location of the container farm will not alter the character of the neighborhood. The stipulation being that 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.

Chair Snyder called for the applicant.

Todd Dyerly, representative of Tapestry Farms was sworn in. The applicant thanked the board and Osing for considering the request. Dyerly noted that he believes its good fit for the Botanical Center and Tapestry Farms.

Mewes clarified the use of the container. Dyerly explained that it is an 8' by 40' by 9' standard shipping container and it is fitted out with vertical growing walls for hydroponics and a seabed that would require electricity and water service.

Mewes wanted to know if it will be a separate business from the Botanical Center. Dyerly responded affirmatively.

Kate Mapes of the Quad City Botanical Center stepped forward to speak in favor of the request. She expressed excitement about working with Tapestry Farm on the project and to provide the parking space to have ease of use and access to the container.

Lawrence asked if students will be able to visit and take a look inside the container. Mapes explained that a schedule will be made with Tapestry Farms.

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

Decision Case 2023-19 – Lawrence made a motion to approve the request for the variance because:

1. Unique circumstances: There are unique circumstances
2. Character of the neighborhood: The proposed variances will not alter the character of the neighborhood.

Additionally, Lawrence added the following stipulation to the approval request:

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.

Sowards seconded the motion. The motion passed unanimously on a vote of 4 to 0 (Snyder, Lawrence, Mewes, and Sowards).

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.

Osing presented the staff report. 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. 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. 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.

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 applicant proposes to keep all existing window signage that is located five (5) to seven (7) feet above grade in the window panes. 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.

He noted staff recommends the board pass a recommendation to the City Council to deny the variances as requested but approve a variance increase the total attached sign area for the 18<sup>th</sup> Avenue business frontage to 88 square feet with the added stipulation because there are unique circumstances and the increased sign area will not alter the character of the neighborhood. The stipulations will require only one (1) attached wall

sign shall be allowed for the business and shall not exceed 75 square feet, 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 and no attached electronic message sign, if provided in the future, shall exceed 17 square feet.

Mewes clarified the stipulations. Osing stated that any electronic sign will have to be incorporated into an existing attached sign and stipulations one (1) and three (3) go together.

Osing clarified that open signs and signs for the business name not covering more than 25% of the window area are allowed within the 5-7ft (2ft) band from grade as well as window decals with 50% perforation.

Chair Snyder called for the applicant or representative present.

Connor Russell representative of 3009 18<sup>th</sup> Avenue, Essentials was sworn in. The representative stated that it was an expensive process and they worked with Riverbend Sign company to

Lawrence asked the applicant if the stickers are showing the brand of products being sold and the applicant responded affirmatively.

Mewes wanted to know if the sign vendor pulled permits from the City of Rock Island or understood the city's code before putting the signs up. The representative was not privy to this. Osing noted that he was contacted by the sign vendor. He told the vendor that the decals did not need permitting but they still need to be compliant with the sign ordinance. The channel letter sign needed permitting because it had electrical work and had attachment to the façade of the building. There was an existing cabinet sign that would not have needed a permit if it was just a copy change.

Chair Snyder asked if they could keep the top part of the window sign and remove the bottom sign. Osing responded that any sign within the 5-7ft above grade will have to be removed. They can keep the rest so far as they do not cover more than 25% of the window.

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

Decision Case 2023-20 – Mewes made a motion to 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

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.

Lawrence seconded the motion. The motion passed unanimously on a vote of 4 to 0 (Snyder, Lawrence, Mewes, and Sowards).

### **Other Business**

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

Staff noted that the consolidation proposal will be on the September 25<sup>th</sup> City Council meeting, and is planned to go into effect at the beginning of 2024. Osing noted the Planning Commission discussed the consolidation as well. He called out some changes that were made to include language regarding the comprehensive plan.

Lawrence asked about the different knowledge bases needed for the consolidation commission. Osing clarified the different requests that the Planning Commission oversees versus the Board of Zoning Appeals, but expertise from both areas will be needed on the new commission. He also noted that staff would like to hold trainings for commissioners that are appointed.

Osing also clarified the membership and terms of appointments for members.

### **Adjournment**

Chair Snyder adjourned the meeting at 7:15 pm.

Minutes submitted by Eunice Amisah-Mensah and Tanner Osing.

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

**To:** Rock Island Board of Zoning Appeals  
**Subject:** Case 2023-21: Zoning Variance Request  
**Date:** October 9, 2023



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Applicant:  
Robert York

Location:  
3201 25<sup>th</sup> Street

Size of Property:  
The property measures 6,612 square feet with about 83 feet of frontage along 25<sup>th</sup> Street and 87 feet of frontage along 32<sup>nd</sup> Avenue.

Topography:  
The property slopes up from west to east by approximately 4 feet and sits slightly above street level.

Zoning History:  
None.

Existing Land Use & Zoning:  
The property is zoned R-1 (one unit residential) district, a 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.

Project Details:  
During routine inspections, staff found the boat on the trailer parked in the driveway of the property and issued a notice of violation. Upon receipt of the notice, the applicant spoke to staff to find out what options or alternatives were available. Staff informed the applicant a variance would be needed to locate the boat on the trailer in the front yard. The applicant, wishing to keep the boat parked on the property, decided to apply for a variance.

Requested Action and Affected Requirements:  
The request is for one (1) variance from the Zoning Ordinance for the storage of the boat on the trailer as described in Table 1.

Table 1

Variance	Requested Action	Affected Requirements
(1)	The applicant proposes to store his boat on a trailer in the driveway in the front yard of his property.	The Zoning Ordinance requires that all recreational vehicles are to be parked or stored in the side or rear yard (Article 11, Section 17-G-i). The boat on the trailer is located in the front yard, so a variance is needed.

Conditions to Authorize Variances & Staff Analysis:

Variances shall only be authorized if two (2) of the three (3) conditions as provided in Chapter 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;	(1) Staff believe that the property can yield a reasonable return without the variance. The applicant mentions having the boat on the property for maintenance work. Staff believe this can be done off-premise or within the temporary timeframe that's allowed in the Zoning Ordinance. Additionally, the property has a 2 ½ car garage that is setback from the street further than the house. There is potentially space there to park a smaller recreational vehicle.	(1) 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 property sits on a corner lot, and has two fronts with little to no rear yard access to store the boat on the trailer. Staff believe the property owner faces a unique circumstance.</p>	<p>(1) Yes.</p>
<p>iii. The variance, 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 boat on the trailer protrudes beyond the front of the house. Staff believe this causes a negative visual impact by blocking the neighborhood viewshed.</p>	<p>(1) No.</p>

**Recommendation:**

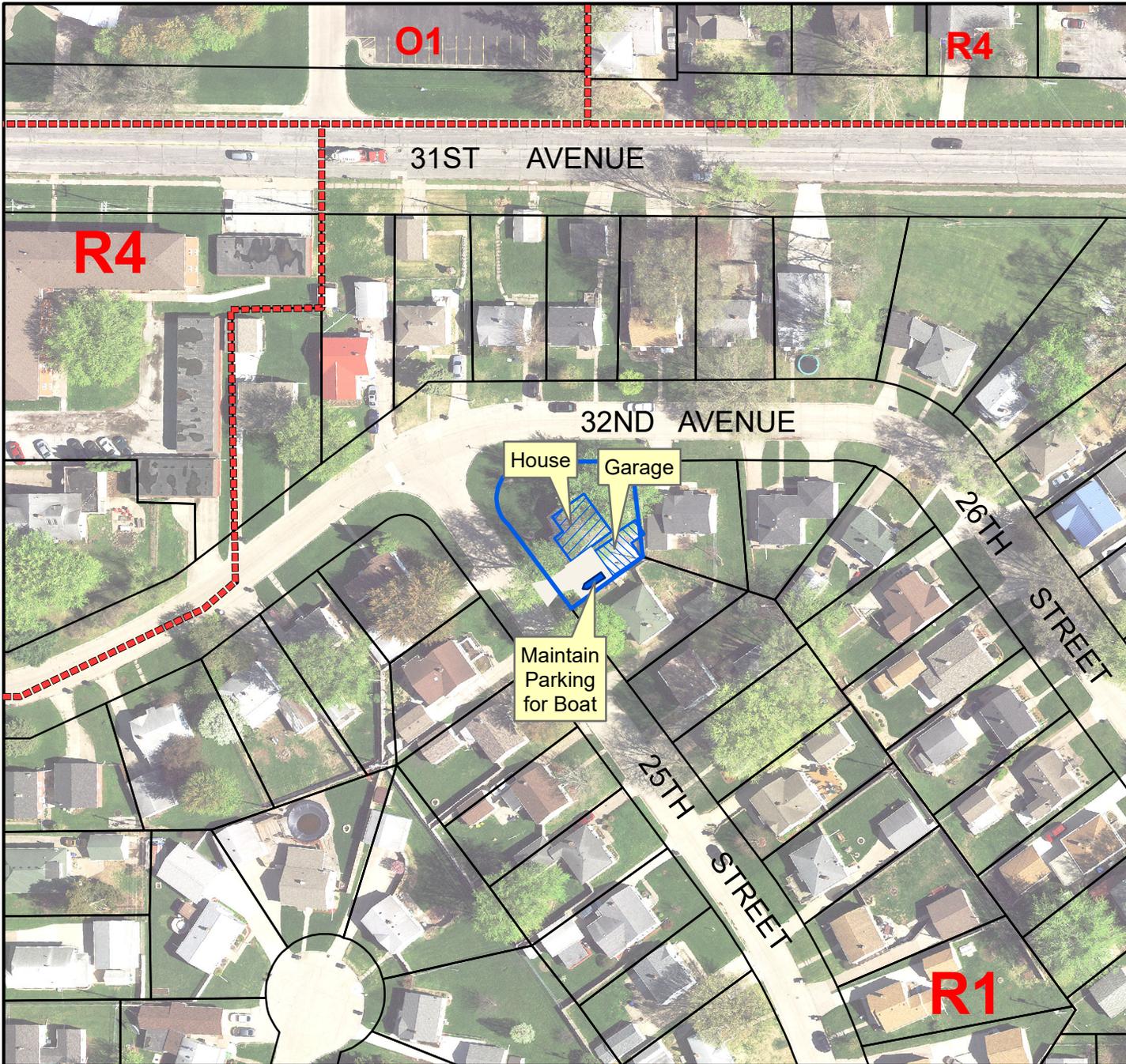
The Community & Economic Development Department recommends that the Board deny the variance as it is not needed for property to yield a reasonable return and the location of the recreational vehicle alters the character of the neighborhood.

However, if the Board decides to approve the variance with different findings, staff recommend the following stipulations be added to approval.

1. The variance shall apply to only (1) recreational vehicle not to exceed 28 feet in length, 7 ½ feet in height, or 8 feet in width.
2. The recreational vehicle is permitted to protrude a maximum of 12 feet in the front yard adjacent to 25<sup>th</sup> Street and shall be located in front of the existing garage.
3. The recreational vehicle is permitted to be in the front yard on a seasonal basis from the beginning of May through the end of October.

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

# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-21 Aerial

-  Subject Property
-  Parcels
-  Zoning District



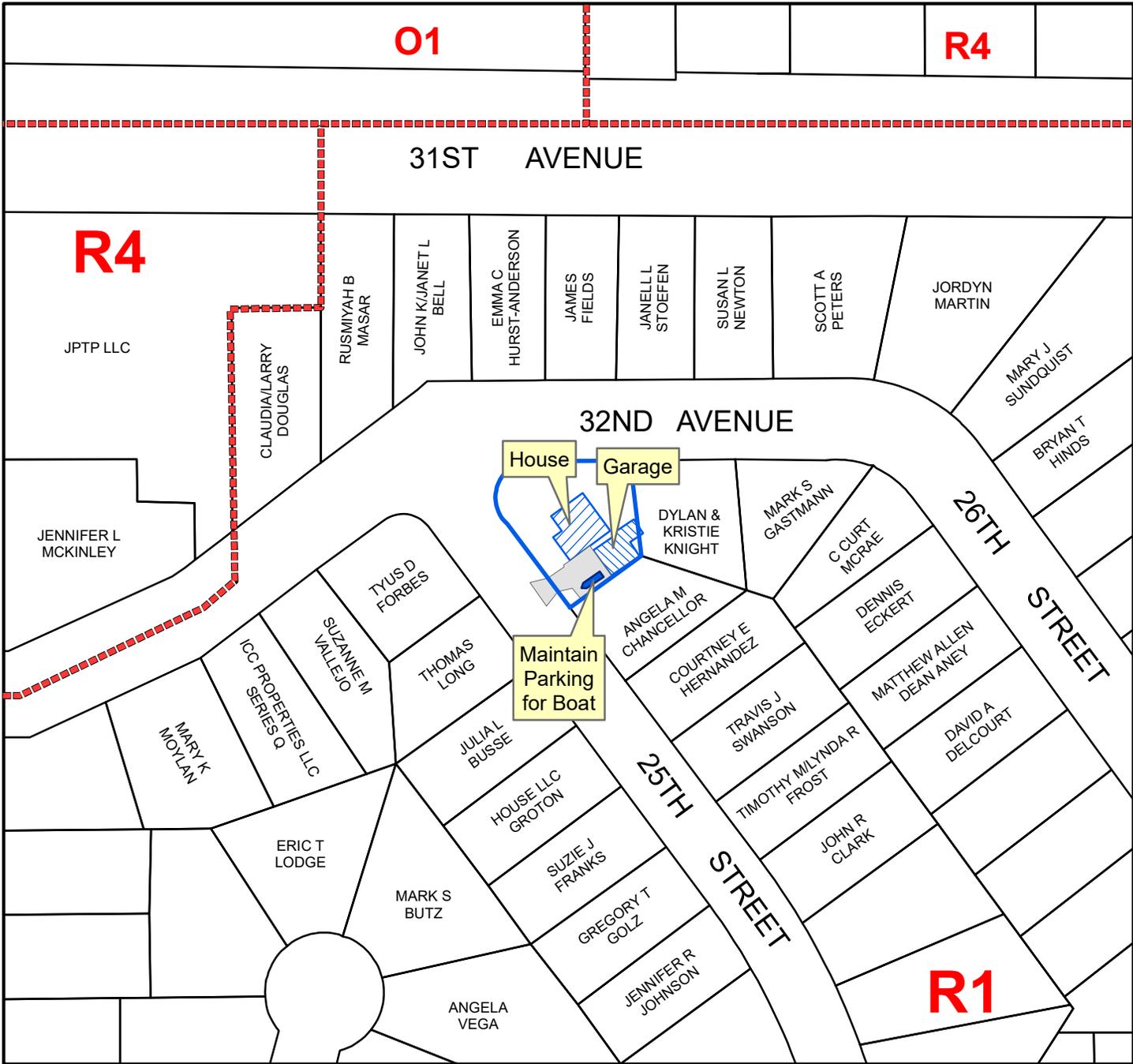
0 25 50 100 150 Feet

## City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS

### 2023-21

- Subject Property
- Parcels
- Zoning District



0 25 50 100 150 Feet



## City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



**ROCK ISLAND**  
ILLINOIS



Figure 1: Photo of the boat on the trailer looking east.



Figure 2: Photo of the boat in the property looking south from the intersection of 32nd Avenue & 25th Street.



Figure 3: Photo of the boat on the trailer from the adjacent property to the south.

**Memorandum**  
**Community and Economic Development Department**  
**To:** Rock Island Board of Zoning Appeals  
**Subject:** Case 2023-22: Temporary Use Variance Request  
**Date:** October 9, 2023



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Applicant:  
Robert Timm

Location:  
3301 25<sup>th</sup> Street

Size of Property:  
The property measures 7,329 square feet with 108 feet of frontage on 25<sup>th</sup> Street and 50 feet of frontage on 33<sup>rd</sup> Avenue.

Topography:  
The property slopes up from west to east by approximately 2 feet and sits above street level if viewed from the west.

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:  
Staff investigated a complaint about the applicant laying gravel on their property. The investigation revealed that the applicant had filled up the side of his property with gravel to park a utility trailer and camper trailer. Staff subsequently sent letters to the applicant regarding the violations. After speaking with staff, the applicant expressed the desire to park the trailers on the gravel on a temporary basis until he is able to pave it. Staff informed the applicant a variance would be needed for the temporary use.

At present, the applicant proposes to temporarily park a utility trailer and a camper trailer in the gravel area in the south yard of the property. This area is just south of the garage and carport. The camper trailer is typically parked under a temporary canopy structure.

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

Table 1

Variance	Requested Action	Affected Requirements
(1)	The applicant proposes to temporarily store a utility trailer and camper trailer on gravel in the side yard of the property.	The Zoning Ordinance requires that recreational vehicles are to be located in the side or rear yard and on an improved surface (e.g. asphalt or concrete) (Article 11, Section 17-G-i). The trailers are being parked or stored on gravel so a variance is needed.

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 the property can yield a reasonable return without a variance. The property has ample space to park recreational vehicles on improved surfaces including the garage and carport. The property has a garage and a car port that can accommodate the camper trailer and utility trailer. The property also has a long driveway which can accommodate the applicant's vehicles.	(1) No.
ii. The plight of the owner is due to unique circumstances. There are exceptional or	(1) Though the property is a corner lot, this circumstance is not relevant for parking on	(1) No.

	<p>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>gravel. Staff does not believe the property owner faces any other unique circumstances.</p>
<p>iii. The variance, 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 the continuous parking on the gravel surface will alter the character of the neighborhood. However, a temporary use variance will likely have minimal impact.</p>	<p>(1) Yes, but if the parking is temporary.</p>

**Recommendation:**

The Community & Economic Development Department recommends that the Board deny the temporary use variance because the property can yield a reasonable return without it and there are no unique circumstances.

However, if the Board decides to approve the temporary use variance with different findings, staff recommend the following stipulations be added to approval.

1. Only one (1) camper trailer and one (1) utility trailer are permitted to be parked on the gravel area and all other yard location requirements for recreational vehicles shall be met.
2. The existing gravel area shall not be expanded for parking or ingress and egress.
3. The temporary use variance shall expire on May 1, 2023.

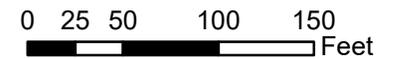
**Submitted by:** Eunice Amisah-Mensah, Urban Planner  
Tanner Osing, Planning & Zoning Manager

# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2023-22 Aerial

-  Subject Property
-  Parcels
-  Zoning District

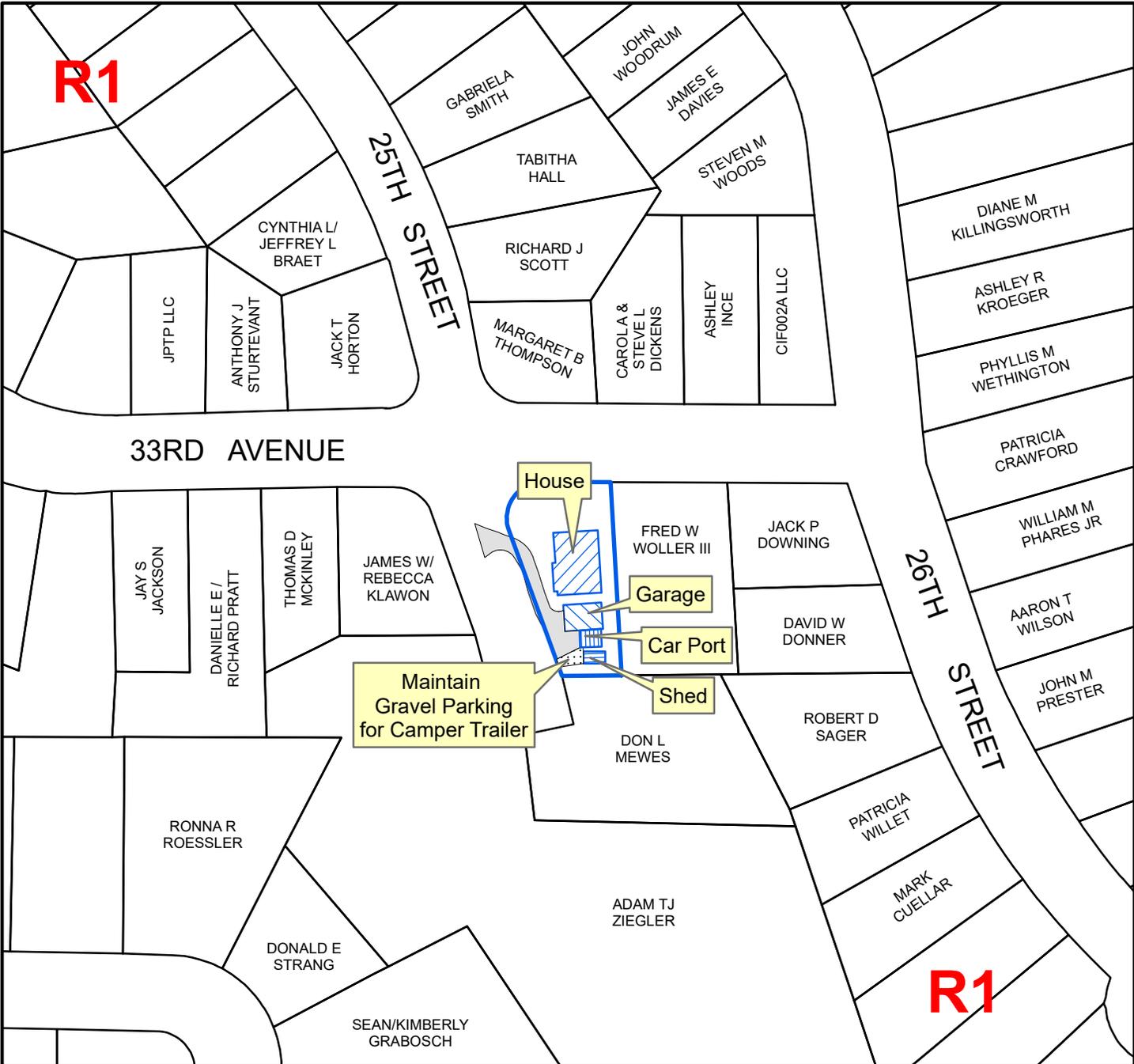


## City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS

### 2023-22

-  Subject Property
-  Parcels
-  Zoning District



0 25 50 100 150 Feet



## City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



ROCK ISLAND ILLINOIS



Figure 1: Photo of utility trailer on gravel surface. The camper trailer is presumed to be under the canopy.



Figure 2: Photo showing possible storage areas for the trailers including the garage and paved carport.



Figure 3: Photo of the property looking southeast from 25th Street.