

**MINUTES OF THE  
ROCK ISLAND BOARD OF ZONING APPEALS**

**Regular Meeting**

**5:30 p.m.**

**February 9, 2022**

ATTENDANCE:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
(x) Kevin Day		(x) Pandora Lawrence
(x) Donald Mewes		( ) Nicole Parker
(x) Gary Snyder		( ) Bill Sowards
(x) Tanja Whitten		

Staff Present: Alan Fries.

Chairman Snyder called the meeting to order at 5:30 p.m.

**General Public Comments** – There was no one present to make any general public comments. The meeting continued.

**Approval of Written Agenda** – Mr. Day made a motion to approve the written agenda for the meeting. Ms. Whitten seconded the motion, and it passed unanimously.

**Approval of Minutes** – Mr. Mewes made a motion to approve the Minutes of the December 8, 2021 regular meeting. Mr. Day seconded the motion, and it passed unanimously.

**Procedural Explanation** – Chairman Snyder explained the procedure to be followed for the public hearings.

**Public Hearing #2022-01**: The applicant, Benjamin Fawks at 2108 3<sup>rd</sup> Avenue for a variance to allow a portable outdoor storage container permanently on site, a variance of 1.5 feet of the six foot separation between the storage container and the principal structure and a variance of three spaces of the six stacking space requirement for a drive-thru window located in a B-2 (downtown business) district .

Mr. Fries presented the staff report. He said the zoning ordinance does not identify portable outdoor storage containers as allowed uses in business zoning districts, requires a six foot separation between a principal structure and an accessory structure (Chapter 18, Section 2) and requires six stacking spaces or a drive-thru window (Chapter 11, Section 17). The applicant proposes to maintain the existing outdoor storage container in the east side yard and the drive-thru in the west side yard.

The existing drive-thru window is on the west side of the building and has approximately three spaces, which includes the space right at the service window. If there were more than three vehicles at the window the other vehicles would have to line up on 3<sup>rd</sup> Avenue. It does not appear this has been an issue in the past as there are angled parking spaces on Third Avenue that customers could park and wait their turn in line.

The storage container is approximately 10' x 10' and located on a concrete pad. It is located closer to the structure than the Ordinance requires and is used primarily to store music equipment. The Ordinance also does not specifically identify portable outside storage containers as allowed "longer-term" uses. The container has been located there for some time and there have not been complaints or issues related to the City.

Chairman Snyder called for the applicant.

Benjamin Fawks, 2108 3<sup>rd</sup> Avenue, was sworn in. He said he was available for questions.

Mr. Mewes asked what was the focus of his business. Mr. Fawks replied that it is a coffee shop with an entertainment venue. He said people could order coffee and other items thru the drive thru and there have not been any traffic issues for the stacking spaces on the site.

Chairman Snyder called for members of the audience to speak.

There being no further questions, and as no one else wished to speak, the public hearing was closed.

**Decision Case #2022-01** – Mr. Mewes made a motion to approve the request because:

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

Mr. Day seconded the motion, and it passed unanimously (Mewes, Day, Whitten, Lawrence and Snyder).

**Public Hearing #2022-02:** The applicant, Jessica Neff, 8208 10<sup>th</sup> Street for a special exception for an authorized use to allow a dog grooming business in a R-1 (one unit residence) district.

Mr. Fries gave the staff report and explained that one Interested Party Application had been received from Ms. Linda Baker of 8216 10<sup>th</sup> Street West.

He continued by saying the Zoning Ordinance does not allow a Major Home Occupations that would have customers coming to the dwelling in a residential zoning district (Chapter 11, Section 14K). The applicant proposes to start a dog grooming business out of the basement of her dwelling.

The applicant/resident of the dwelling will be the only employee of the business. Customers will drop off their dog for the grooming services and no dogs will not be kept overnight. The business will operate three days a week and every other Saturday during daytime hours. The applicant he has not yet determined the specific hours of business. No signs are proposed He stated Staff recommends that the Board consider placing the following stipulations on approval of the request.

1. That only one resident employee be allowed;
2. The business be operated a maximum three days a week and one Saturday per month;
3. Hours of operation shall not start prior to 8:00 a.m. and not after 7:00 p.m.;
4. No more than two dog grooming appointments per day and no overlapping of appointments;
5. No dogs will be kept overnight;
6. No business signs shall be located at the property; and
7. The use shall meet all other applicable codes and ordinances.

Chairman Snyder called for the applicant.

Jessica Neff, 8208 10<sup>th</sup> Street West, was sworn in. She said has been employed doing dog grooming since 2013 at a kennel business location, but now wants to start her own business of the basement of her home. She said that she hopes one day to open her own salon in a business zoned location perhaps in downtown Rock Island. She said customers will drop off dogs at the entrance to her home and not come into her basement. The basement space she will use is approximately 9' x 12' in area. She said she plans to groom two to three dogs per day depending on how long each dog takes, but that smaller dogs will not take that long. She said she will only start with her current clients and is well experience how they need to be groomed.

She said she has had City Inspectors come to her property and they did not see any Building Code issues with her using the basement space for her business. She said her driveway can accommodate several vehicles along with her own and she also has a two car detached garage for her personal parking needs.

Ms. Lawrence asked how long were average appointment times. Ms. Neff replied from about 1 ½ hours to 3 hours and since most of her clients will be clients she currently does grooming for she will know how long each grooming session will be at the time it is scheduled.

Ms. Lawrence asked how would she handle barking noise from the dogs, so it will not disturb her neighbors. Ms. Neff replied that she has been trained to deal with dogs barking and will always have treats on hand for the dogs to help settle them down.

Ms. Lawrence then asked how would she handle dog grooming overlaps that would result in more than one dog in her home at times.

Ms. Neff replied she also said she has kennels to keep the dogs if their owners are not available when the dog is finished being groomed

Mr. Day asked if she will need to do any expansion on her house if the business grows in the future. Ms. Neff said by next Winter she hopes to purchase a saloon shop building for her business.

Chairman Snyder then asked for the Interested Party to come forward if they had questions.

Linda Baker, 8216 10<sup>th</sup> Street West, was sworn in. She asked Ms. Neff if she has any of her own dogs? Ms. Neff replied that she has two dogs.

Ms. Baker asked where the dogs would be during her dog grooming work? Ms. Neff replied that they would be upstairs and there are doors at the bottom and top of the stairs to her basement that will be kept shut to keep her dog separated from her customers.

Ms. Baker said that when Ms. Neff's dogs are outside in her fenced in yard they do bark rather loudly.

Ms. Baker then asked if she has liability insurance? Ms. Neff replied that she does.

Ms. Baker asked if she plans on growing her business this year and into next year? Ms. Neff said she does hope her business will grow and again said she does plan on locating her business in a business location by 2023.

There were no other questions by Ms. Baker.

Chairman Snyder asked for proponents to speak.

There were none.

Chairman Snyder then asked for opponents to speak.

Ms. Baker spoke not in opposition, but to ask the Board a question of who would license and enforce the stipulations for the proposed business out of the subject residence?

Mr. Fries said this type of businesses, and many similar types of businesses, do not require a City business license, but any stipulations placed by the Board would be enforced by Planning and Redevelopment Division City staff.

There being no further questions, and as no one else wished to speak, the public hearing was closed.

**Decision Case #2022-02** – Ms. Whitten made a motion to approve the request with the seven Staff proposed stipulations because:

1. Reasonable Return: The proposed special exception/authorized use variance will improve the return of the property.
2. Character Alteration: The proposed special exception/authorized use will not alter the

character of neighborhood.

Ms. Lawrence seconded the motion.

Mr. Day said he thinks limiting the dog grooming to just two dogs per day would be too restrictive since according to the applicant it does not take that long to groom smaller dogs. He said the Board should either increase the number of dogs that can be groomed during the day, or remove that stipulation entirely.

Ms. Lawrence said Ms. Neff has a lot of experience grooming dogs and said she could groom more than two dogs a day especially if they are smaller dogs.

Ms. Whitten agreed.

Mr. Mewes said it would increase her business growth there, so it would be then more likely she would be able to move sooner into a business zoned location.

Chairman Snyder agreed.

Ms. Whitten said she was removing her previous motion to approve the request with all seven stipulations,

Ms. Lawrence said she was removing her motion to second Ms. Whitten's previous motion with all seven stipulations.

Ms. Whitten then made a new motion to approve the request for the same two previous reasons and stipulations, except for the stipulation to allow no more than two dog grooming appointments per day and no overlapping of appointments.

Ms. Lawrence seconded the new motion, and it passed unanimously (Mewes, Day, Whitten, Lawrence and Snyder).

**Other Business- None-**

**Adjournment:**

Chairman Snyder adjourned the meeting at 6:45 p.m.

Respectfully submitted,

Alan Fries  
Acting Secretary, Rock Island Board of Zoning Appeals