

Rock Island Board of Zoning Appeals Minutes

Council Chambers (3rd Floor), City Hall

1528 3rd Avenue

June 14, 2023

5:30 PM



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

Call to Order and Roll Call

Chair Snyder called the meeting to order at 5:30 PM and read the roll call.

Public Comment

There was no one present to make any general public comments. The meeting continued.

Approval of the Agenda

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

Approval of the Previous Meeting Minutes

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

Old Business

None

New Business

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

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

Osing the staff report. He stated that the zoning ordinance requires one parking space for every 75 square feet of floor area or for every two persons allowed by fire code for

restaurant, taverns and night club uses. (Chapter 11, Section 17-D). The building has a maximum occupancy of 99 people so 50 parking spaces would normally be required.

Osing also noted that while the proposed permanent patio will eliminate three (3) parking spaces, the business is already well under the 50 spaces that are required by the Zoning Ordinance. There is on-street parking adjacent to the property along 14th Avenue. The applicant also maintains good relationships with neighboring commercial property owners for additional parking arrangements. Staff believe the elimination of the parking spaces will not have a negative effect on the neighborhood, and that the investment in a permanent patio will allow continued growth for the business.

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

Chair Snyder called for the applicant.

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

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

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

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

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

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

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

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

1. The three (3) parking spaces eliminated shall be on the west side of the building.
2. The area used to eliminate the parking spaces shall be used for a permanent patio with table seating.

3. The permanent patio shall be enclosed with a 3 ½ to 4 ½ foot fence with the exception of any openings necessary for access.
4. An accessible parking space, compliant with State of Illinois Law, shall remain on the west side of the building.
5. Four (4) parking spaces shall remain for employees and/or customers on the east side of the building.

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

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

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

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

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

2023-10 Public Hearing: Darryl Taylor of 2140 23rd Avenue – Variance of 2 feet of the 6 foot setback requirement between a detached garage and a principle structure and a variance of 4 feet of the 6 foot setback requirement between a detached garage and an alleyway.

Osing presented the staff report. He noted Zoning Ordinance requires accessory structures to be setback 6 feet from a principal building and an alleyway (Chapter 11, Section 6). He added that the existing garage is approximately 20'2" by 23'4", and was recently damaged by a fallen tree due to the tornado that went through the City in April. The applicant wishes to expand the current 2 ½ car garage to a 3 car garage to be able to store two vehicles and a small boat.

Osing noted that the property is at the dead end of an alleyway, so there is very minor traffic at the end. The current garage on the property also has a nonconforming setback from the principle building of approximately four (4) feet. There is no zoning record on if the garage received a variance in the past. It could have been constructed when the dwelling was first constructed, which may have preceded zoning regulations. Additionally, there are similar garages to the one proposed by the applicant on the two properties directly to the east.

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

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

Bill Sowards joined the meeting at 5:57 PM.

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

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

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

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

1. Reasonable Return: The proposed garage will improve the return on the property.
2. Unique Circumstances: There are unique circumstances. The property is located at the dead end of an alleyway. If the property abutted another property line instead of an alleyway only a three (3) foot setback would be required. The current garage on the property also has a nonconforming setback from the principle building of four (4) feet.
Character Alteration: The proposed garage will not alter the character of the neighborhood

Whitten also included the following stipulation for approval:

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

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

2023-11 Public Hearing: Ana Marceleno for 2703 & 2705 5 ½ Avenue – Variance of 2 feet of 4 foot maximum height for fences in the front yard and a variance of 20 feet of the 20 foot horizontal setback requirement for fences from the point of intersection of property lines on a corner lot.

Mr. Osing presented the staff report. He stated the Zoning Ordinance requires that fences located in a yard adjacent to a public street of residential zoned property be no more than 4 feet in height and not placed within the triangular area formed by right-of-way lines and a line connecting them at a point 20 feet from the intersection of the lines (Chapter 11, Section 13).

He also noted the applicant proposes to maintain an existing six (6) foot tall, tight board wooden fence adjacent to 27th Street and 5 1/2th Avenue, and also maintain the portion of the fence that meets at the point of intersection of the property lines adjacent to 27th Street and 5 1/2th Avenue. The applicant originally put up the noncompliant fence in 2022. Staff became aware of the fence in the Spring of 2023 when a complaint was received regarding the fence causing traffic visibility issues at the intersection. The complainant noted that it's difficult to see southbound traffic coming from 5th Avenue. The applicant requests to maintain the existing fence due to the desire for added security, a buffer from nearby businesses along 5th Avenue, and privacy for a potential day care home.

Staff believe the property can yield a reasonable return without the variances and that maintaining the existing fence alters the character of the neighborhood as a four (4) foot fence would still offer security and privacy, and meet the requirements for a day care home as regulated by the State of Illinois. Additionally, the fence infringing on the required setback area at the intersection poses traffic visibility issues. The corner lot has ample area for this requirement to be met.

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

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

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

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

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

Osing clarified that there are two variances being requested.

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

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

Mewes added to the motion to deny the variance of 20 feet of the 20 foot horizontal setback requirement for fences from the point of intersection of property lines on a corner lot because:

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

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

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

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

Osing presented the staff report. He stated the zoning ordinance requires a 6-foot setback between an accessory structure and any other building or structure on a lot (Chapter 11, Section 6).

He noted that applicant/business owner proposes to build a 25' by 50' pergola to offer covered outdoor seating to patrons. The business has seen an increased demand for outdoor seating, especially during the months of spring, summer, and early fall. There is already existing outdoor table seating where the pergola is proposed to be located. Staff believe that the investment in the pergola will allow for continued growth of the business, and not have a negative effect on the surrounding neighborhood. Since the business zoned property is over 20,000 square feet, the Board's vote will be in the form of a recommendation to the City Council for final action.

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

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

Mewes asked a question about the neighboring properties.

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

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

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

Whitten also included the following stipulation for approval:

1. The requested variances shall only apply to the proposed 25' by 50' open pergola and no other accessory structure on the property.
2. The proposed pergola shall be located directly to the south of the south principal building on the property

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

Other Business

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

Adjournment

Chair Snyder adjourned the meeting at 6:35 pm.

Minutes submitted by Eunice Amissah-Mensah and Tanner Osing.