

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

Call to Order and Roll Call

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

Public Comment

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

Approval of the Agenda

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

Approval of the Previous Meeting Minutes

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

Old Business

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

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

Osing presented the staff report. The Zoning Ordinance requires that there be a 100-foot separation standard between the buildings and outdoor storage of a bar and residentially zoned private property (Chapter 18, Section 2-D). The applicant went through the Special Use Permit process for operating a bar without a restaurant element in a B-1 neighborhood business district. The City Council unanimously approved the Special Use Permit with stipulations.

The applicant proposes to continue to serve a variety of wine and other beverages while limiting the current menu of small plates. This means the business can no longer be considered a restaurant. The applicant approached staff when the business opened and it was determined the menu was substantial to allow the business to be considered a restaurant. With the reduce menu, however, the wine bar will be without the restaurant element and with 20 feet proximity to a residential zoning district, a variance will be needed to consider not meeting the separation requirement. Staff believe the variance will not alter the character of neighborhood as there are many commercial spaces nearby with some being bar/restaurant uses. The variance will also allow for continued success of the existing business.

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

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

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

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

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

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

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

New Business

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

Osing presented the staff report. He stated that the zoning ordinance requires accessory structures to not exceed the total ground floor square footage of the primary structure.

The house (primary structure) on the property is approximately 896 square feet, which is 112 feet less than the proposed garage. The Zoning Ordinance also requires that accessory structure with a gable roof be a maximum of 20 feet tall, which is two (2) feet less than the proposed garage. (Chapter 11, Section 6-A).

Osing also noted that in 2021, the applicant received a variance of six (6) percent of the thirty (30) percent maximum coverage of a rear yard by an accessory structure. Upon submitting a building permit package for the project in 2023, staff discovered that the applicant needed additional variances for the garage build. The applicant proposes to construct a new three bay detached garage (28' by 36') in their rear yard. Access to the garage is proposed to be provided via a new curb cut along 25th Street with a new driveway. While the garage will have a larger footprint than the house, it will still be less than the total square footage of 1,215. The proposed garage height at 22 feet will also not be taller than the house. Additionally, all setback requirements in the Zoning Ordinance will be met. Staff believe that the requested variances needed for the garage build will not alter the character of neighborhood and improve the return on the property.

Vice Chair Day called for the applicant.

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

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

Decision Case 2023-13: Whitten made a motion to approve the request for the variance because:

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

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

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

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

Osing noted that the applicant proposes to convert the lower walkout level of the building into a two-bedroom short term rental that will include a bathroom, kitchen, and living space. Historically, the building was likely a single-family residence as a land use map from 1984 indicates it as such. There is ample parking space to the south of the building

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

He further stated that the variance will create another revenue stream for the applicant by allowing for a profitable use of the unused office space, and create a desirable mixed use for the property. Even with approval of the variance, the applicant will still need to meet requirements of the building code including any necessary separation requirements between different occupancy uses (e.g. office and dwelling).

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

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

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

1. Reasonable Return: The proposed variance will improve the return on the property.
2. Unique Circumstances: The property slopes towards the Rock River to the south. This steep topography lends itself to structures having a lower walkout level with commercial space at the street level.
3. Character Alteration: The proposed variance will not alter the character of the neighborhood.

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

2023-16 Public Hearing: Bradford Hill of 4016 7th Avenue – Variance to allow an accessory structure in the front yard, variance of 21 feet of the 25 foot setback requirement for a structure in the front yard, and a variance of 5 feet, 10 inches of the 6-foot separation requirement between the pool and the deck of the house.

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

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

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

Other Business

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

Adjournment

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

Minutes submitted by Eunice Amisah-Mensah and Tanner Osing.

DRAFT