

Rock Island Board of Zoning Appeals Minutes

Council Chambers (3rd Floor), City Hall

1528 3rd Avenue

September 13, 2023

5:30 PM



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

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 101st 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 14th 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 101st 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 14th 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 41st 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 41st 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 4th 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 25th 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 18th 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 18th 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 31st 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 18th 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 18th 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 31st 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 25th 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.