

Rock Island Board of Zoning Appeals Minutes

Council Chambers (3rd Floor), City Hall

1528 3rd Avenue

October 11, 2023

5:30 PM



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

Call to Order and Roll Call

Vice Chair Day called the meeting to order at 5:33 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

Sowards moved to approve the written agenda for October 11, 2023. Lawrence seconded the motion. The motion carried unanimously on a vote of 5 to 0.

Approval of the Previous Meeting Minutes

Lawrence moved to approve the minutes for September 13, 2023. Parker seconded the motion. The motion carried unanimously on a vote of 5 to 0.

Old Business

New Business

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

2023-21 Public Hearing: Robert York at 3201 25th Street – Variance to store a boat on a trailer (recreational vehicle) to be parked in the front yard of the property.

Amissah-Mensah presented the staff report. 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. The applicant proposes to store his boat on a trailer in the driveway in the front yard of his property.

She noted staff recommends the board deny the variance as it is not needed for the 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: 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, the recreational vehicle is permitted to protrude a maximum of 12 feet in the front yard adjacent to 25th Street and shall be located in front of the existing garage and the recreational vehicle is permitted to be in the front yard on a seasonal basis from beginning of May through the end of October.

Chair Snyder called for the applicant, Robert York.

Robert York of 3201 25th Street was sworn in. He stated there is a yard situation as the property is pie shaped. The property also has little to no rear yard. The boat hardly ever sits at the property but the extremely low water has caused the boat to be in the driveway a lot this year. The boat will be at the property for repairs and maintenance in the Spring. He also stated he has not had problems with his neighbors about the position of the boat.

Whitten asked how long the applicant has the boat at the property during a normal year. The applicant responded that he has the boat a week or two in the Spring and a week or two in the Fall. He brings it to the property for maintenance and stores it in the winter time.

Lawrence wanted to know if the boat is covered all the time as it sits in the driveway. The applicant responded that the boat has a cover on it all the time and covers the entirety of the boat.

Whitten asked when the seasonal storage starts. The applicant responded at the end of October.

Gregory Schmidt spoke in favor of the applicants request as it is reasonable to have the boat on the property to be work on.

Osing clarified that per the zoning ordinance boats can be at the property on a temporary basis.

Frank York was sworn in, spoke in favor of the request and stated that the water is an issue this year. He stated the reason the boat has been on the property this long can be attributed to the low water.

Bill Fowler was sworn in and spoke in favor of the applicants request. He stated that the applicant has made improvements to the property and has seen the boat is set back far enough that it does not obstruct the view of anyone in the neighborhood.

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

Decision Case 2023-21 - Whitten made a motion to approve the request for the variance because:

1. Unique Circumstances: There is a unique circumstance.
2. Character Alteration: The proposed variance will not alter the character of the neighborhood.

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

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 25th 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 two (2) weeks of the year between the beginning of May through the end of October.

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

2023-22 Public Hearing: Robert Timm at 3301 25th Street – Temporary use variance to a camper trailer and utility trailer to be parked on gravel (unimproved surface).

Amissah-Mensah presented the staff report. She noted 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.

Amissah-Mensah noted that the applicant proposes to temporarily store a utility trailer and camper trailer on gravel in the side yard of the property. 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.

She noted staff recommends 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: 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, the existing gravel area shall not be expanded for parking or ingress and egress and the temporary use variance shall expire on May 1, 2024.

Whitten wanted to know the basis for the variance is because of gravel surface on the property. Amisah-Mensah responded affirmatively. Osing also added that if the area was improved, there would have been no case as the trailers are in the proper location. He also provided the applicant with the letters from two (2) adjacent property owners and has provided same to the Board.

Robert Timm of 3301 25th Street was sworn in. Mr. Timm stated he is asking for a variance to take care of the gravel to come into compliance with which he has spoken to staff about.

Whitten wanted to know if there was a timeline on when the concrete will be put in. Mr. Timm says it can be done in the spring. Whitten also wanted to know if the camper can fit in the garage or under the carport. Mr. Timm responded that camper cannot fit in the garage as it is used for his workshop and the camper can fit under the carport if he had to.

Whitten asked for the location of the camper. Osing responded that the camper is underneath the temporary car canopy.

Bill Fowler stepped forward to speak against the request. He asserted Mr. Timm has ample space to parked all vehicles and trailers on the property and did not need to go through the variance process.

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

Decision Case 2023-22: Whitten 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.

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

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 31, 2024.

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

Other Business

Osing stated staff will look into fine tuning the language in the ordinance about temporary storage of recreational vehicles. Information was sent out by the City Clerk and Osing about the study session that took place on Monday October 9th. The consolidation got

tabled at the September meeting and will be back on the City Council agenda on October 23rd. The study session went over the reasons for the consolidations and also addressed the consolidation efforts with the Arts and Beautification Commissions.

The Board wanted to know the difference between the Planning Commission and the Board of Zoning Appeals. Chair Snyder explained that Planning Commission deals with the zoning issues for an area such as rezoning and the Board of zoning Appeals deals with variances for a particular piece of property. Whitten stated that the rezoning was a little more permanent.

Osing cited examples on major and minor home occupations, special use permits and authorized use to clarify the differences in roles for the Commission and Board and where they might overlap.

Lawrence asked if there are or can be follow ups on cases that come before the Board. Osing responded that certain cases are given an amount of time to come into compliance and if they do not come into compliance, they will be sent before the Municipal Court.

Adjournment

Chair Snyder adjourned the meeting at 6:45 pm.

Minutes submitted by Eunice Amissah-Mensah and Tanner Osing.