

## Rock Island Board of Zoning Appeals Minutes

Council Chambers (3<sup>rd</sup> Floor), City Hall

1528 3rd Avenue

November 8 2023

5:30 PM



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

### Call to Order and Roll Call

Temporary Chair Mewes called the meeting to order at 5:37 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 November 8, 2023 with the removal of Case 2023-25 per the applicants request. Whitten seconded the motion. The motion carried unanimously on a vote of 4 to 0.

### Approval of the Previous Meeting Minutes

Lawrence moved to approve the minutes for October 11, 2023. Whitten seconded the motion. The motion carried unanimously on a vote of 4 to 0.

### Old Business

None.

### New Business

Temporary Chair Mewes explained the procedure to be followed for public hearings.

2023-23 Public Hearing: Rob Miller of Executive AutoWerks at 2223 11<sup>th</sup> Street – Variance to maintain the existing 425 square feet attached (painted) wall signs on the property.

Amissah-Mensah informed the Board the applicant was unable to be present due to an emergency and asked the Board to move to postpone action on the variance until December 13<sup>th</sup> meeting. presented the staff report.

Temporary Chair Mewes called for a motion to postpone action on the variance for Rob Miller of Executive AutoWerks until the next meeting on December 13<sup>th</sup>.

Decision Case 2023-23 - Whitten made a motion to postpone the request for the variance since the applicant could not be present.

Lawrence seconded the motion. The motion passed unanimously on a vote of 4 to 0 (Whitten, Lawrence, Sowards, and Mewes)

2023-24 Public Hearing: Jean Bosco Muzerwa of Innovative Transport Enterprise, LLC at 534 16<sup>th</sup> Street – Use Authorization to operate minor automobile repair in a B-3 (community business) zoning district

Amissah-Mensah presented the staff report. She noted the Zoning Ordinance requires that automobile repair uses in a B-3 zoning districts be authorized by the Board of Zoning Appeals (Article 20, Section 4). She stated that the applicant proposes to operate minor automobile repair to primarily service vehicles for a non-emergency medical transport business.

She noted staff recommends the board deny the use authorization as it is not needed for property to yield a reasonable return, there are no unique circumstances, and the use alters the character of the neighborhood. However, if the Board decides to approve the temporary use variance with different findings, staff provided recommended stipulations.

Osing clarified stipulation three (3) stating that the maximum number of vehicles that awaiting repair for active repair base. And not how many vehicles can be parked at the business. Mewes stated that if they have 3 bays the business can have nine cars parked. Osing responded affirmatively and it is the basic parking requirements in the ordinance.

Whitten asked how many repair bays are in working condition at the property. Osing responded he believes they have two (2) repair bays but does not believe they meet building code requirements. He noted that they are currently storage garages but could potentially be converted to a repair bay.

Jean Bosco of Innovative Transport Enterprise was sworn in. Mr. Bosco stated the type of repair that the business undertakes is not a commercial repair as the business does not have the tools as other garages or repair shops might have. Oil changes for the are contracted to the automobile repair business adjacent the property. They handle repairs that do not require lifting.

Whitten asked how many cars are on the lot on a typical day. Mr. Bosco stated about fifteen (15) vehicles. Osing clarified there are about twenty-one (21) vehicles on the lot the last time staff inspected the property.

Whitten asked if all the vehicles are awaiting repairs or are past the point of repair. The applicant confirmed there are a few that are beyond repair that will be taken off the lot and others awaiting repair that will be worked on when the use authorization is approved.

Mewes asked the applicant if there have been work done to get rid of vehicles that are unregistered or in disrepair upon finding out the business was not in compliance. The applicant stated he will have to find out if anything has been done.

Lawrence wanted to know if the applicant had a system in place to get the work done on the vehicles to clear the lot and how many mechanics the business has. The applicant stated he will have the mechanic test drive vehicles on the lot and further explained that the business lost contracts over the past year and have had vehicles brought back to the lot which accounts for the volume of vehicles. The business also has one (1) mechanic employed. Lawrence asked how long it takes the mechanic to work on the vehicles. Mr. Bosco stated it depends on the extent of work the vehicles will need to determine the length and process of work to be done.

Mewes asked if others outside the business can come in for repairs. The applicant responded negatively that only company vehicles are worked on.

Whitten asked if all the cars on the lot belong to the business. Mr. Bosco responded affirmatively but with the exception of one (1) vehicle that belongs to the property owner.

Mewes asked how many vehicles are actively transporting patients. The applicant responded that there are fifteen (15) vehicles in operation. Osing provided clarification to the Board on the operation of the transport business stating that the drivers contracted have the active vehicles with them and not on the lot.

Lawrence asked if the vehicles at the lot have been broken into to which the applicant responded affirmatively.

Whitten asked the applicant about the number of cars that have been identified as dismantled, wrecked and unregistered on the lot and are past the point of repair. The applicant stated there are two (2) cars past the point of repair.

Osing provided context for the business. He stated city has gone through an enforcement process with the business where the Municipal Code hearing officer found violation for the property in question and an adjacent property and established it as an automobile wrecking yard. Staff found 15 vehicles that do not have active registration on the property in question.

Sowards wanted to know if the case is approved based on staff's recommendation of maximum three (3) vehicle per repair bay what happens with the other eighteen 18 vehicles out of the identified twenty-one (21) vehicles on the lot. The applicant stated that there is ample space and each car will have its own stall and all facing the same direction.

Kathleen Denison of 1511 6<sup>th</sup> Avenue was sworn in and spoke against the request. She stated there has been a lot of discrepancies in what the applicant said. She believes the property is being treated as a junkyard and most of the cars do not run. She said there are people living in the cars and doing drugs in the cars and the owners are well aware of these situations. She has seen cars being towed to the property in question and the adjacent property.

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

Osing stated that there will be a need to have a unanimous vote. Mewes clarified that with the presence of only four (4) rather than the seven (7) members, all four (4) members present must vote yes for the request to pass.

Decision Case 2023-24: Whitten made a motion to deny the request for the use authorization because:

1. Reasonable Return: The proposed use authorization will not improve the return on the property.
2. Unique Circumstances: There are no unique circumstances.
3. Character Alteration: The use authorization will alter the character of the neighborhood.

Lawrence seconded the motion. The motion passed unanimously on a vote of 4 to 0 (Whitten, Lawrence, Sowards, and Mewes).

2023-26 Public Hearing: Kakozi Elangi at 830 14 ½ Street – Variance to allow less parking spaces than the minimum requirement for a church use.

Amissah-Mensah presented the staff report. She noted the Zoning Ordinance requires that religious institutions provide one (1) parking space for every four (4) sanctuary seats. (Article 11, Section 17-d-10). The property currently has four (4) off-street parking spaces, which is nine (9) less than required for a church with an expected occupancy of 50 people. She stated that the applicant requests to allow less off-street parking spaces than the minimum requirement for a church use.

She noted staff recommends the board deny the variance as it is not needed for property to yield a reasonable return and the variance will alter the character of the neighborhood. However, the Board may choose to approve the variance with different findings. Staff have no recommended stipulations if so.

Kakozi Elangi of 830 14 ½ Street was sworn in. Mr. Elangi stated that the property was bought to be converted into a church to help the community. They are going through a process to get approval for the church use but have faced a delay in receiving a verdict.

Osing clarified that the applicant is referencing the rezoning process that will go before the Planning Commission at the next meeting date. The process has been delayed due to lack of quorum from the Planning Commission during previous months.

Whitten asked what days there would be events at the church and how many cars will be needed for the congregation. The applicant responded Sundays will be the only days and most congregants live in proximity to the property so about 10-13 cars might be needed.

Lawrence asked if a church van will be provided for the church's use. The applicant responded that they will work towards procuring a van if the request is approved.

Whitten stated they have nine parking spaces and they will need thirteen (13) parking spaces. Osing clarified they have four (4) spots on the property that counts towards the parking requirements. There are nine (9) parking spots on the street and an ADA spot for a total of ten (10) parking spaces.

Lawrence wanted to know if there is a bus route. Osing stated there is a bus route two (2) blocks away.

Lawrence also wanted to know what happens if visitors are invited for special service and there is an influx of cars. The applicant stated they will speak to the nearby school about using their parking during the weekend.

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

Sowards clarified that staff sent out letters to the neighbors and received no objections. Osing responded affirmatively. Osing also stated that the neighborhood has a lot of vacant properties and there is also a higher concentration of rental properties so the letters are sent to landlords.

Mewes asked if the variance can be changed if the neighborhood goes through development. Osing stated a request to change the stipulation is possible but variances run with the property.

Decision Case 2023-26: Lawrence made a motion to approve the request for the variance because:

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

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

1. The applicant shall establish a shared parking agreement with a nearby business, institution, or agency before the use commences.

Whitten seconded the motion. The motion passed unanimously on a vote of 4 to 0 (Whitten, Lawrence, Sowards, and Mewes).

### **Other Business**

Osing stated the City Council will have a second reading for the commission consolidation on Monday November 13<sup>th</sup> at the Council meeting for a final vote. The Commission if approved will take effect in January 2024.

Mewes asked about the application process for the Commission. Osing stated the application will be done through the city's website. Mewes also clarified how existing terms will affect leadership on the consolidated commission.

Lawrence raised the issue of training members on the commission. Osing stated staff is working on getting voluntary trainings in place that will be scheduled when appointments are made. The City Attorney will also be asked to be present to answer procedural questions as they have legal components.

Lawrence asked what steps will be taken to create a diverse team of commissioners. Osing stated that the language in the ordinance established that membership should be broadly representative of the community.

### **Adjournment**

Temporary Chair Mewes asked for a motion to adjourn. Lawrence moved to adjourn. Sowards seconded the motion. The motion carried unanimously on a vote of 4 to 0 at 7:02 pm.

Minutes submitted by Eunice Amisah-Mensah and Tanner Osing.