January 9, 2019
Rock Island Board of Zoning Appeals
Council Chambers—Third Floor—City Hall-- 1528 – 3rd Avenue
Regular Meeting Agenda
5:30 PM

1. Call to Order and Roll Call

2. Procedural Explanation

3. Approval of the Minutes of the regular meetings of November 14, 2018 and December 7, 2018.

4. Public Hearing #2018-31: The applicant, Chris Belser, has filed for a variance of 5 feet of the 15 foot maximum height for an accessory structure and a variance to locate an accessory structure larger than a principal structure in an I-1 (light industrial) district at 3511 8th Street.

5. Public Hearing #2019-01: The applicants, David Howard and Ron O'Tool, have filed for a variance to allow a 4th attached sign (lighted digital message board) from the requirement that allows only one attached sign for a non-conforming commercial use in an R-3 (one and two family residence) district at 4010 18th Avenue.

6. Public Hearing #2019-02: The applicant, the Rock Island Moose Lodge #190, has filed for a variance to allow a second freestanding sign and a variance of 5 feet of the 10 foot front yard setback requirement for signs identifying churches, fraternities and other similar uses in an R-4 (one to six family residence) district at 4410 9th Street.

7. Public Hearing #2019-03: The applicants, Robert Lanzerotti/Augustana College, have filed for a variance of 15 feet of the 30 foot setback requirement between a building affiliated with institutions of higher education and a existing one and two family residential used lot in an U-1 (university/college) district at 851 34th Street.

8. General Public Comments.

9. Other Business.

10. Adjournment.
MINUTES OF THE
ROCK ISLAND BOARD OF ZONING APPEALS

Regular Meeting 5:30 p.m. November 14, 2018

ATTENDANCE: (x) Present ( ) Absent
(x) Kevin Day ( ) Dave McAdam
(x) Donald Mewes (x) Nicole Finnie
(x) Gary Snyder (x) Bill Sowards
( ) Jeffrey Wright

Staff Present: Ryan Berger, Alan Fries.

Chairman Snyder called the meeting to order at 7:00 p.m.

Approval of Minutes – Mr. Day made a motion to approve the Minutes of the October 10, 2018 regular meeting. Mr. Sowards seconded the motion, and it passed unanimously.

Procedural Explanation – Chairman Snyder explained the procedure to be followed for the public hearing.

Public Hearing #2018-28: The applicant, Donald Boyson, has filed for a variance to locate a boat on a trailer in the west front yard in an R-2 (one family residence) district at 2603 25th Avenue.

Mr. Fries presented the staff report. He said the request was tabled at the October 10th meeting and the applicant submitted a petition of support at that meeting signed by 16 neighbors. He explained that the zoning ordinance requires that boats and trailers be parked in a side or rear yard for a long term basis rather than in a front yard (Section 8.14H). The applicant proposes to expand the existing driveway to the north in order to park a boat and trailer in the west front yard.

The Zoning Ordinance allows boats, trailers and other “recreational vehicles” (as defined by the Ordinance to include boats and trailers) to be parked on a long term basis only in side and/or rear yards in residential zoning districts. Parking recreational vehicles and trailers in a front yard is only allowed on a temporary basis for preparation to travel and unloading after returning from trips or other times of use.

The Ordinance allows front yard parking only two times in a seven day time period for only 24 hours each time and it must be separated by a minimum of 30 hours. Long term parking is not allowed in front yards essentially as aesthetic and public safety regulation to reduce the visual impact of recreational vehicles from blocking views up and down a block also making pulling out of adjacent driveways more difficult. Staff has supported maintaining these regulations without variances through the years to reduce front yard visual and safety impacts in residential districts.

Mr. Day said he would abstain from voting on the request since he is an immediate neighbor to the north.

Chairman Snyder called for proponents.

Donald Boyson, 2603 35th Avenue, was sworn in. He said he had nothing to add and was available for questions.

Mr. Berger asked if the canopy tree in the west front yard needed to be totally removed to accommodate the variance. Mr. Boyson replied that it did not, but he has trimmed off one branch.

Mr. Sowards asked if the driveway would be constructed off the north end of the existing driveway. Mr. Boyson replied that it would angle off to the north and that he intended to plant arborvitae bushes between the driveway extension and the street.
Mr. Mewes asked how long the driveway extension would be. Mr. Boysen replied 25 feet in length.

Mr. Mewes then asked staff if only a boat on a trailer would be able to be located on the new driveway.

Mr. Fries replied that was correct as that is what the variance request was as submitted. He said that the zoning regulations apply to all recreational vehicles as defined by the Zoning Ordinance and that the regulations are to minimize the impact of lack of view up and down a block with recreational vehicles parked in front yards. He added that recreational vehicles parked in a front yard could reduce the visibility for people pulling out of adjacent driveways toward the street.

Kevin Day, 2610 34th Avenue Court, was sworn in. He said there are evergreens between his house and Mr. Boysen’s driveway that will hide the boat on a trailer from view, so he does not object to the request. He added that the boat and trailer have not been there all the time.

Chairman Snyder said he is concerned about the impact of the boat on a trailer since it is on a corner lot. As no one else wished to speak, the public hearing was closed.

**Decision Case #2018-28:** Mr. Mewes made a motion to approve the request because:

1. The property is a corner lot with two front yards.
2. The proposed variance was supported by neighbors and will not alter the character of the neighborhood.

Ms. Finnie seconded the motion, and it passed unanimously.

**Public Hearing #2018-30:** The applicant, Dave DeJaegher/Alleman High School, has filed for a special exception to expand an authorized use (parking lot) and a variance of 10 feet of the 10 foot wide landscaped area requirement along the west property line for the parking lot expansion in an R-3 (one and two family residence) district at 1303 40th Street, 1320, 1322 and 1326 41st Street.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires Board authorization to expand an Authorized Use (Sections 14.4F and 16.3) and a 10 foot wide landscape area along the west property line (Section 36.5). The applicant proposes to expand a previously approved accessory parking lot to the west in order to maintain approximately 41 parking other spaces on the site.

The City Council approved the north/south alley vacation request in the center of this block in July 2018. Following that approval the applicant completed construction of the parking lot on the B-1 (neighborhood business) district zoned property to the south of the subject site (see case map). The applicant indicates that they misunderstood the need for Board action on the parking lot expansion in the vacated alley located in the R-3 zoned property and proceeded to improve the former alley right-of-way to locate 52 new parking stalls in that area (subject site for variance request). The applicant also re-striped the spaces and widened the aisles in the formerly approved parking lot in the R-3 zoned site east of the vacated alley.

The applicant requests a variance of the 10 foot wide landscape setback on the west side of the site in order to maximize number of spaces and aisle width for the entire parking lot. The applicant indicates that landscaping in the area of the former alley right-of-way is problematic because there are low overhead electrical lines in that area that could be negatively affected by growing canopy or understory trees. The applicant also indicates that landscaping may affect future site development to the undeveloped Alleman owned property to the west of the subject site.

Finally, the applicant located more than the required landscaping (canopy trees) in the parking lot on the B-1 zoned parking lot site to the south. Staff has worked with the applicant to count this existing landscaping (plus one additional canopy tree) to be adequate to meet the need for the entire combined parking lots for Alleman (subject site and B-1 site combined). This Staff discretion is in lieu of locating any landscaping in the vacated alley area on the subject site due to the utility pole issues.
Mr. Day asked why staff is recommending no further lighting on the subject area. Mr. Fries said that the site is located adjacent to residential uses to the east and west.

Chairman Snyder called for proponents.

Dave DeJaegher, 3415 34th Street and representing Alleman High School, was sworn in. He said there are some security lights on pole sin the existing parking lot to the east of the spaces in the former vacated alley, but he did not see the need to add additional lighting at this time. He said some of the existing parking spaces on the easterly lot have been moved to the west on the former alley in order to widen the aisle width of that existing parking lot. He said additional trees were located on the parking lot at the business zoned property to the south, so they are asking for a variance to only located one canopy tree on the west side of the subject variance property.

As no one else wished to be heard, the public hearing was closed.

**Decision Case #2018-29** – Mr. Day made a motion to approve the request because:

3. The proposed special exception and variances will improve the return on the property by providing additional parking.

4. The proposed special exception and variances will not alter the character of the neighborhood.

Mr. Sowards seconded the motion, and it passed unanimously.

**Other Business:**
Mr. Fries said there has been one new case submitted for the December 12th meeting agenda.

**Adjournment:**
Chairman Snyder adjourned the meeting at 6:17 p.m.

Respectfully submitted,

Ryan Berger
Planning and Redevelopment Administrator, AICP
MINUTES OF THE
ROCK ISLAND BOARD OF ZONING APPEALS

Regular Meeting  5:30 p.m.  December 12, 2018

ATTENDANCE: (x) Present  ( ) Absent
( ) Kevin Day  (x) Dave McAdam
(x) Donald Mewes  (x) Nicole Finnie
( ) Gary Snyder  ( ) Bill Sowards
(x) Jeffrey Wright

Staff Present: Alan Fries.

Vice-Chairman McAdam called the meeting to order at 5:45 p.m.

Procedural Explanation – Vice-Chairman McAdam explained that no one was present for the Public Hearing #2018-31- a request from Chris Belser for a variance of 5 feet of the 15 foot maximum height for an accessory structure and a variance to locate an accessory structure larger than a principal structure in an I-1 (light industrial) district at 3511 8th Street.

He asked the Board for a motion to table the request until the January 9, 2019 regular meeting.

Mr. Mewes made a motion to table Public Hearing #2108-31 until the January 9, 2019 regular meeting of the Board of Zoning Appeals because no one was present at the public hearing. Ms. Finnie seconded the motion, and it passed unanimously.

Other Business/Approval of 2019 Board Meeting Schedule:
Mr. Fries said the City Clerk has informed staff that the Board is required to approve the 2019 public hearing meeting schedule.

Ms. Finnie made a motion to approve the 2019 Board of Zoning Appeals meeting schedule. Mr. Wright seconded the motion, and it passed unanimously.

Adjournment:
Vice-Chairman McAdam adjourned the meeting at 6:00 p.m.

Respectfully submitted,

Alan Fries
Acting Secretary
Rock Island Board of Zoning Appeals
REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: December 3, 2018

SUBJECT: Case #2018-31 - Request for a variance to allow an accessory building to be larger than a principal structure and a variance from the maximum height for an accessory structure height in a rear yard in an I-1 (light industrial) district.

Applicant:
Chris Belser

Location:
3511 8th Street

Request:
The request is for a variance of 5 feet of the 15 foot maximum height for an accessory structure and a variance to locate an accessory structure larger than the principal structure in an I-1 (light industrial) district.

Size of Property:
The existing subject site is currently a separate lot that measures 179.6’ x 199’ (35,740 square feet). The subject lot will be consolidated with three I-1 zoned lots to the south making the total development site approximately 97,820 square feet.

Zoning History:
None at subject site. Two former residential lots to the east of the company business office site (formerly addressed as 3500 and 3511 9th Street) were rezoned from R-3 (one and two family residence) district to I-1 in April 2018.

Existing Land Use and Zoning:
The subject lot is undeveloped, but will be consolidated with the previously mentioned adjacent lots owned by the applicant (applicant’s industrial masonry company building is located on the existing lot to the south of the subject site, zoned I-1). To the north and west are industrial uses and buildings, zoned I-1. To the south is a vacant lot, zoned R-3. To the east are single family residences, zoned R-3.

Topography:
The site is generally flat and slightly above street level.
Affected Requirements:
The zoning ordinance requires a maximum height of 15 feet for all accessory buildings (Section 8.5A). The Ordinance also defines an “accessory structure” to be “a subordinate structure... incidental and accessory to that of a principal structure” (Section 3.1). The applicant proposes to construct a cold storage accessory building (60’ x 200’ in area and 20 in height at mid-point of roof pitch) in the east side yard of the undeveloped property located north of the main business building on the site (85’ x 95’).

Conditions to Authorize Variances:
1. Reasonable Return: The proposed variance will improve the return on the property.
2. Unique Circumstances: None.
3. Character Alteration: The proposed variance will alter the character of the neighborhood.

Comments:
Staff has interpreted the words “subordinate” and “incidental” in the accessory structure definition to imply a smaller structure when compared to the principal structure on the property. The proposed 9,600 square foot, one-story accessory structure will be used for cold industrial storage for the business located to the south of the subject area. The lot to the north of the approximate 8,075 business structure will be incorporated with the adjacent parcel.

The proposed metal structure will have a gable roof with 17’ tall side walls (see attached drawings). There will be 4 overhead doors to accommodate taller vehicle entry and perhaps some inside vehicle (see attached drawings). The intent is to clean up the outside storage and bring those materials inside the new structure. The existing white concrete block accessory structure will also be removed (see photo of existing white concrete block structure). The proposed metal structure will be located 15 foot off the east property line meeting zoning setback requirements. The applicant will landscape the 15 foot wide area meeting Zoning Ordinance “bufferyard” requirements.

Recommendation:
That the variances be approved because it will improve the return on the property and will not alter character of the neighborhood.
REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: December 31, 2019

SUBJECT: Case #2019-01- Request for a variance to allow three attached signs for a non-conforming use in an R-3 (one and two family residence) district.

Applicant:
David Howard and Ronald O’Tool

Location:
4010 18th Avenue

Request:
To allow a variance to allow a 4th attached sign from the requirement that allows only one (1) attached sign for a non-conforming commercial use in an R-3 (one and two family residence) district.

Size of Property:
40' x 80' (3,200 square feet).

Zoning History:
Board of Zoning Appeals Case #75-47- Request to review the Building Inspectors decision to allow construction of a 3 car garage was withdrawn.

BZA Case #82-28- Request to substitute a costume storage and rental business for a carpet cleaning business was approved.

BZA Case #99-28- Request to substitute a tattoo business for a TV-VCR repair shop was approved.

BZA Case #2000-39- Request to allow 3 attached signs for the tattoo business was approved.

Existing Land Use and Zoning:
The site is occupied by a commercial tattoo business on the first floor and two upstairs apartments. To the north, east and north is a primarily a single family residential area, zoned R-3. To the south is a single family residential area, zoned R-2.

Topography:
The site is flat and slightly above street level.
Affected Requirements:
The sign ordinance requires only one attached sign with a total area of 15 square feet for a non-conforming use (section 5 [a] [6]). The applicant proposes to locate a digital lighted message board attached sign (3' x 5') on the east façade of the building.

Conditions to Authorize Variance:
1. Reasonable Return: The property can yield a reasonable return without the variance.
2. Unique Circumstances: None.
3. Character Alteration: The proposed variance will alter the character of the neighborhood.

Comments:
Currently there are four attached signs on the property (one of the existing two attached signs on the photo located on the west façade was not approved by the Board in 2000). The proposed new digital sign will replace the attached banner sign currently on the east façade (see other photo). Staff believes that the lighted digital sign will alter the character of the neighborhood by adding an additional lighted sign to the nonconforming commercial use located in a residential neighborhood.

Recommendation:
That the variance be denied because there is no unique circumstance and it will alter the character of the neighborhood.
Note: The information presented is not survey accurate and is for illustrative purposes only.
REPORT

TO: Board of Zoning Appeals
FROM: Community and Economic Development Department
        Planning and Redevelopment Division
DATE: December 31, 2018
SUBJECT: Case #2019-02- Request for variances to locate a second freestanding sign and sign
setback from front property line in an R-4 (one to six family residence) district.

Applicant:
Rock Island Moose Lodge #190

Location:
4410 9th Street

Request:
To allow a variance for a second freestanding sign and a variance of 5 feet of the 10 foot front yard
setback requirement for signs identifying a lodge in an R-4 (one to six family residence) district.

Size of Property:
115' x 184' x 149' x 283' x 335' x 548' (approximately 122,796 square feet)

Zoning History:
Planning Commission Case #74-16- Request to rezone property from R-3 to R-4 was approved.

Board of Zoning Appeals #76-10- Special exception to authorize a lodge hall in an R-4 district was
approved.

Board of Zoning Appeals Case #92-27- Request to expand authorized use for a detached garage
was approved.

Board of Zoning Appeals Case #2000-39- Request to expand the authorized use for a 20' x 79'
attached addition on the south side of the structure was approved.

Existing Land Use and Zoning:
The site is occupied by a lodge. To the north, east and west are single family residences, zoned
R-3. To the south is an office building, zoned PUD.

Topography:
The site is flat and slightly above street level.
Conditions to Authorize Variance:
1. Reasonable Return: The proposed sign will improve the return on the property.
2. Unique Circumstances: None.
3. Character Alteration: The proposed variance will not alter the character of the neighborhood.

Affected Requirements:
The sign ordinance requires there be only one freestanding sign to be located on a residentially zoned property where a lodge, or similar institution is located (Section 6A [6]). The applicant proposes to locate a digital lighted message board freestanding sign (approximately 6\’ x 2\’, or 12 square feet in total area) in the east front yard.

Comments:
The applicant will remove the manual freestanding message board sign currently located on the south side of the access drive and replace it with the proposed digital message board sign. The proposed sign will be located at approximately the same five foot setback as the existing sign and will also be similar in height (6 feet from grade to top of sign). Staff believes that the sign is appropriate for this location, but since it is adjacent to residences across the street the digital lighting for the sign should be set on a timer to have the lights turn off at 10:00 p.m.

Recommendation:
That the variances be approved because it will improve the return on the property and will not alter the character of the neighborhood.

Staff also recommends that the digital lighting for the sign be set on a timer to have the lights turn off at 10:00 p.m.
REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: December 31, 2018

SUBJECT: Case #2019-03- Request for a variance from the 30 foot minimum setback from a building affiliated with college from an existing one and two residentially used lot in an U-1 (university/college) district.

Applicant:
Robert Lanzerotti/Augustana College

Location:
851 34th Street

Request:
To allow a variance of 15 feet of the 30 foot setback requirement between a building affiliated with an institution of higher education and an existing one and/or two family used lot in a U-1 (university/college) district.

Size of Property:
205’ x 172’ (approximately 35,332 square feet)

Zoning History:
None.

Existing Land Use and Zoning:
The site is occupied by a two story college operated classroom structure. All surrounding properties are zoned U-1. To the north and west are College owned single family residential structures. To the east is a College owned single family residential college structure and College classroom buildings. To the south is a College owned parking lot.

Topography:
The site slopes up approximately 7 to 8 feet from street level.

Affected Requirements:
The zoning ordinance requires there be a minimum of 30 foot setback from a building affiliated with an institution of higher education and a two family used lot (Section 21.5A). The applicant proposes to construct a two story building addition (approximately 6,378 total square feet) in the north side yard.
Conditions to Authorize Variance:
   1. Reasonable Return: The proposed building addition variance will expand the educational facilities of the college.
   2. Unique Circumstances: None.
   3. Character Alteration: The proposed variance will alter the character of the neighborhood.

Comments:
The existing building identified as Brodahl Hall is 2,694 square feet in area and the proposed addition will add a 3,682 square feet to the total footprint resulting in a total building footprint of 6,378 square feet. The new building space will be used for additional classrooms, offices and audio labs for the Center for Speech Language.

The proposed two story addition onto the exiting two story structure will be located 15 feet from the north property line. The two story single family residence to the north of the site is occupied by college students and is situated approximately 30 feet to the north of the shared property line (there will be a total of a 45 foot distance between the residence and the proposed structure).

Construction of the proposed addition will result in a large tree needing to be removed along the north property line. However, four new canopy trees will be planted along the north property line along with low level landscaping around a new mechanical unit (see attached landscaped plan). Additional trees and low level shrubs will be planted along the existing and new building exterior and adjacent to the parking lot to the east of the structure.

Some parking will need to be removed due to the building addition (27 spaces will remain on site), but parking is also available to students and staff in the College owned parking lot to the south of the site.

Recommendation:
That the variance be approved because it will expand the educational facilities of the college and will not alter the character of the neighborhood.