

**MINUTES OF THE
ROCK ISLAND BOARD OF ZONING APPEALS**

Regular Meeting

5:30 p.m.

April 10, 2019

ATTENDANCE:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
(x) Kevin Day		(x) Dave McAdam
(x) Donald Mewes		(x) Nicole Finnie
<input type="checkbox"/> Gary Snyder		<input type="checkbox"/> Bill Sowards
(x) Jeffrey Wright		

Staff Present: Miles Brainard, Alan Fries.

Vice-Chairman McAdam called the meeting to order at 7:00 p.m.

Approval of Minutes – Mr. Day made a motion to approve the Minutes of the February 13, 2019 regular meeting. Mr. Wright seconded the motion, and it passed unanimously.

Procedural Explanation – Vice-Chairman McAdam explained the procedure to be followed for the public hearing.

Public Hearing #2019-05: The applicant, the Sisters of the Order of St. Benedict, have filed for a variance to locate a large solar energy system in a residential zoning district, a variance of 21 freestanding arrays of various sizes the one array requirement, a variance of 24,822 square feet in total area of the maximum 240 total square foot total area requirement for the one allowed freestanding array, a variance to not locate the arrays in a rear yard and a variance from the requirement to secure the arrays from climbing or unauthorized access in a split zoned property zoned R-5 (multiple family residence) and R-1 (one family residence) districts at 2200 88th Avenue West.

Mr. Fries presented the staff report he explained the applicant proposes to locate a large solar energy system with 22 total freestanding arrays that have a total combined area of 25,062 square feet. The array field will be located on the easterly front yard area that will not be secured with fencing or other proposed measures.

Vice-Chairman McAdam called for proponents.

Sister Sandra Brunenn, St. Mary Monastery at 2200 88th Avenue West, was sworn in. She said the Monastery relocated to Rock Island in 2001 and that one of its precepts is to take care of the earth. She said the variances will make their solar project possible.

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

Decision Case #2019-05 – Mr. Wright made a motion to approve the request because:

1. The proposed variances will improve the energy costs of the property and could serve as a model for other large scale solar projects in the community.
2. The large site is semi-private and has landscape buffers surrounding the site.
3. The proposed variances will not alter the character of the neighborhood.

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

Public Hearing #2019-06: The applicant, Make It Happen Improvements, has filed a request for a special exception to expand a nonconforming use, a variance to locate a new dwelling unit on the first floor of an existing apartment building and a parking variance of the two off street parking space requirement for this new unit in a B-1 (neighborhood business) district at 3814/3816/3820 14th Avenue.

Mr. Fries presented the staff report. He explained the applicant proposes to locate an additional first floor dwelling unit in a former first floor office area of the nonconforming 19 unit two story apartment building.

Vice-Chairman McAdam called for proponents.

No one was present to represent the case.

Mr. Day made a motion to table the request until the May 8, 2019 regular Board of Zoning Appeals meeting, beginning at 5:30 p.m. in Rock Island City Hall.

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

Public Hearing #2019-07: The applicant, Timothy Rade, has filed a request for a special exception to expand an existing structures nonconforming 2 foot south side yard setback instead of the 10 foot side yard setback requirements and a variance of 7 foot of the 10 foot rear yard setback in a B-1 (neighborhood business) district at 4018 14th Avenue.

Mr. Fries presented the staff report. He explained the applicant proposes to expand the existing tavern to the west by constructing a proposed roofed-over open pavilion (30' x 18') maintaining the south 2 foot side yard setback and a 3 foot west rear yard setback to property lines. He identified There is one interested Party request form received from Michelle McCarty Bull, 1406 41st Street and two comments from neighbors concerned over expanded noise from the business (Earl Sanders 4108 14th Avenue and James Kraus of 14491 Kruse Avenue in Davenport.

Vice-Chairman called for the proponent.

Tim Rade, 1532 1st Street in Moline and David Griffin, 3604 46th Avenue, were sworn in. Mr. Griffin said he was the building contractor for the proposed pavilion and said the roof line would extend to within 3 feet of the west property line and be supported by 6-inch by 6-inch columns. Mr. Wright asked if there were going to be live bands playing outside under the proposed pavilion. Mr. Rade, owner of the property, replied there would not be, but that there was a speaker outside hooked up to the inside juke box.

Vice-Chairman McAdam asked how late the business was open. Mr. Rade replied 2:00 a.m., but that if there were no customers in the tavern the business closes up earlier. He added he bought the tavern in 2007 and has gone to no smoking inside, so patrons go outside to smoke and sometimes talk when they are outside.

Vice-Chairman McAdam called for the Interested Party to come and ask questions.

No one came forward, so Vice-Chairman McAdam then asked for opponents to come forward.

Jim Kraus, 14491 Kruse Avenue in davenport, was sworn in. He said he owns the house next door at 4014 14th Avenue and wants to know if the business owner knows exactly where the property line is. He said his step daughter and her boyfriend live in the house next door and they have two children and he is concerned about the noise from the business.

Mr. Griffin said there is a privacy fence along the property line and they believe it identifies where the property line is located. He added the subject property is also 3 feet lower than the property to the west.

Eric Jones, 4014 14th Avenue, was sworn in. He said he is concerned about noise and also tavern patrons throwing cigarette butts over the fence onto his property.

Vice-Chairman asked for the applicant's rebuttal.

Mr. Rade said he can turn down the outside speaker and turn it off at 10:00 p.m., so it will not be so loud. Mr. Griffin said he can put a partial fence between the support columns of the pavilion to act as a sound barrier.

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

Decision Case #2019-07 – Ms. Finnie made a motion to approve the request because:

1. Reasonable Return: The proposed building addition and variances will improve the return of the property.
2. Unique Circumstances: The lot is a small corner lot with two front yards.
3. Character Alteration: The proposed variances will not alter the character of the neighborhood.

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

Public Hearing #2019-08: The applicant, Townsend Engineering, has filed a request is for a variance of 10 canopy trees of the 10 canopy tree requirement for a proposed parking lot expansion located in the west front yard in an I-2 (general industrial) district at 8221 51st Street West.

Mr. Fries presented the staff report. He explained the zoning ordinance requires 1 canopy tree for every 5 parking spaces for a parking lot (Section 36.51). The applicant proposes a 49 space parking lot expansion without any canopy trees adjacent to the property line along the west front yard of the site.

The cultivation facility proposes to construct an approximate 50,000 square foot addition onto the existing approximate 36,000 square foot structure. The applicant also proposes to construct a 49 space parking lot expansion on the western segment of the existing parking and desires a variance from the canopy tree requirements for the new parking lot.

The landscape plan identifies seven new shrubs in lieu of the canopy trees along the western edge of the proposed parking lot. The landscape plan also identifies three new canopy trees for the site (two trees along the southwest corner and one tree added to the row of trees on the north side of the existing 44

space parking lot on the site). The applicant explains the reason for the variance for the required 10 canopy trees is because the business is also planning in the near future another possible building expansion to the west and any new planted canopy trees on the west side of the parking lot and/or building would need to be removed to accommodate the future expansion.

Staff supports the variance for the canopy trees adjacent to the parking lot expansion, but staff also recommends to the Board that along with the three canopy trees proposed elsewhere on the site that two additional canopy trees (five in total) be required. These additional two canopy trees could be located either along the south or northern property lines.

He said staff is recommending approval because the parking lot expansion will improve the return on the property, there is a unique circumstance as the applicant is also planning another building expansion in the near future and believes the parking lot will also be expanded into the area where the canopy trees are required to be located for the future expansion and it will not alter the character of the neighborhood.

Approval should be subject to the following stipulation:

A total of five new canopy trees shall be provided on the site (2 additional canopy trees along with the identified 3 canopy trees on the submitted landscape plan). The two additional canopy trees shall be located along either the south or north property lines.

Vice-Chairman McAdam called for proponents.

Kyle Zelle, representing Townsend Engineering at 2224 E. 12th Street in Davenport, was sworn in. He said they will add a total of 10 new canopy trees spaced 35 feet apart along the southwest property line and the entrance road off of 51st Street West.

Missy Gasiorowski, representing Hodge Construction at 767 52nd Avenue, Ste 201 in Moline, was sworn in. She said that proposed second phase building expansion will be located to the west and south of the existing structure. She added that the third phase addition could happen soon after the second phase expansion.

As no one else wished to speak the public hearing was closed.

Decision Case #2019-08 – Mr. Mewes made a motion to approve the request because:

1. Reasonable Return: The proposed parking lot expansion will improve the return of the property.
2. Unique Circumstances: The applicant is also planning another possible building expansion to the west in the near future and believes the parking lot will also be expanded into the area where canopy trees are currently required to be located for the subject parking lot expansion.
3. Character Alteration: The proposed variance will not alter the character of the neighborhood.

He included the stipulation that a total of five new canopy trees shall be provided on the site (2 additional canopy trees along with the identified 3 canopy trees on the submitted landscape plan). The two additional canopy trees shall be located along either the south or north property lines.

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

Public Hearing #2019-09: The applicant, Chris Salazar/Arsenal Properties, LLC, requests a variance of 160 feet of the 300 foot separation requirement between an existing Unrelated Group Family Use and a proposed Unrelated Group Family Use in an R-3 (one and two family residence) district at 3215 7th Avenue.

Mr. Fries stated that the applicant was not present in the audience and asked the board if it would consider tabling the request until the regular May 8, 2019 meeting.

Mr. Day made a motion to table the request until the May 8, 2019 regular Board of Zoning Appeals meeting, beginning at 5:30 p.m. in Rock Island City Hall.

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

Other Business:

Mr. Fries said there are four new cases for the May 8th regular meeting.

Adjournment:

Vice-Chairman McAdam adjourned the meeting at 6:45 p.m.

Respectfully submitted,

Alan Fries
Acting Secretary, Rock Island Board of Zoning Appeals

