

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

Regular Meeting

5:30 p.m.

September 9, 2020

ATTENDANCE:	(x) Present	() Absent
(x) Kevin Day		(x) Tionn Fambro Carter
() Donald Mewes		() Nicole Parker
(x) Gary Snyder		(x) Bill Sowards
(x) Tanja Whitten		

Staff Present: Alan Fries.

Chairman Snyder called the meeting to order at 5:30 p.m.

General Public Comments – There was no one present to make any general public comments. The meeting continued.

Approval of Written Agenda – Mr. Day made a motion to approve the written agenda for the meeting. Mr. Sowards seconded the motion, and it passed unanimously.

Approval of Minutes – Mr. Day made a motion to approve the Minutes of the March August 12, 2020 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 #2020-7: The applicant, Lindbloom Properties, requests variance of 240 feet of the 300 foot separation requirement between Unrelated Group Family Uses in an R-3 (one and two family residence) district at 1227 35th Street.

Mr. Fries said two objections citing traffic, parking and noise concerns have been received from Debra Perrin 1226 35th Street and Teresa Hershman, 1222 35th Street. He continued by stating that the zoning ordinance requires that there be a 300-foot separation standard between Unrelated Group Family Uses (Section 4.6). The applicant proposes to establish an Unrelated Group Family Use for up to five (5) unrelated residents within 60 feet from an existing Unrelated Group Family Use at 1218 35th Street.

The residential block has several properties that are occupied by Augustana College students as there are three existing Unrelated Group Family uses identified on the case map (variance request is due to separation from 1218 35th Street. The subject property meets the Zoning Ordinance off-street parking requirement of a minimum of two parking spaces because there is a detached two-car garage and space to park two additional vehicles on an improved parking area off the rear alley.

Chairman Snyder called for the applicant.

Keith Lindbloom, owner of 1227 35th Street, was sworn in. He said he purchased the house a couple of months ago and is renovating the dwelling. He said he is aware of problems with student housing, but he is a good landlord and will monitor the behavior and condition of his property.

Mr. Day asked how many bedrooms are in the dwelling. Mr. Lindbloom replied 3 now, but he is going to be adding onto the back of the house to add more bedrooms.

Mr. Fries asked if he was planning to remove the detached garage. Mr. Lindbloom replied no, not at this time, but there is room in the rear yard to add more parking spaces.

Chairman Snyder called for opponents.

Neva Skinner, owner of 1213 35th Street, was sworn in. She cited parking concerns as there is parking allowed on only one side of 35th Street. She said there was a family renting her property, but they moved out because of student noise in the area. She said it will be difficult to rent to families in the future if there is more student housing in the neighborhood and that it will set a precedent if the variance of only 60 foot separation is allowed.

Ms. Whitten asked if she rents to students at her property now. Ms. Skinner said she does rent to students now.

Teresa Hershman, 1222 35th Street, was sworn in. She said she agrees with the previous concerns stated and added that students park in the street and not in back of a house, so there have been times her visitors do not have a place to park with they come to visit her. She added there is also speeding on the street.

Debra Perrin, 1226 35th Street, was sworn in. She said she has lived there for 40 years and the neighborhood is changing with more student housing. She said students have given alcohol to younger children in the neighborhood and she fears for her grandchildren when they come to visit her. She said students also park on the wrong side of the street and have stolen things from her property.

Mr. Sowards asked if is a general comment for the neighborhood, not for this specific dwelling. Ms. Perrin replied it is this house too as it is to small for five students.

Chairman Snyder called for a rebuttal by the applicant.

Mr. Lindbloom said he was a student at Augustana and owns other student housing and agrees that students can be inconsiderate to neighbors, but he is trying to be a different landlord and hold them to a higher standard in his homes. He said he requires a letter of referral from an Augustana Official in order to guys and wants to be notified by neighbors when there are problems (he provided a phone number to objectors at the meeting to call him if there are any problems.

At this time another neighbor called into the meeting saying he had phone problems with his phone and is now at a neighbor's house. He asked to be heard.

The Board allowed his comments and said it would also allow Mr. Lindbloom to respond.

Jeff Rosenthal, 1229 35th Street, was sworn in. He said he has watched the neighborhood slowly deuterate through the years and that he opposes the applicant adding onto his house to add more students. He said it will not improve what he will observe from his property and he does not want students staring at his house. He added concerns about on street parking on the street.

Chairman Snyder asked for Mr. Lindbloom to respond.

Mr. Lindbloom said he does not dispute neighbor concerns about student housing, but he wants to avoid those problems and has a maintenance person involved with his properties and does a walk-thru at each property every 90 days. He said his business also has an after hour telephone line, so neighbors can always call him about issues.

Chairman Snyder closed the public hearing.

Decision Case #2020-07 – Mr. Sowards made a motion to approve the variance because:

1. Reasonable Return: The proposed use will improve the return on the property.
2. Character Alteration: The proposed use will not alter the character of the neighborhood.

Mr. Day seconded the motion.

Mr. Sowards said the issues brought up are not specifically about this house as the problem and the applicant wants top keep the house in better condition than others in the area and also be involved in controlling any student issues at his property.

Chairman Snyder agreed and said the applicant has informed neighbors they can call him if there are any problems.

Ms. Whitten agreed with Mr. Sowards and Chairman Snyder's comments.

Chairman Snyder called for a vote on the motion to approve the requ4est and it passed unanimously (Sowards, Day, Whitten, Fambro-Carter and Snyder).

Public Hearing #2020-8: The applicant, Julio Guevara, requests a variance to allow a Portable Outdoor Storage Unit to permanently remain in the north side yard, a variance of 5'7" of the 6' separation between the storage unit and the principal building and a variance of 3' 9" of the 5' setback requirement from a property line in a B-3 (community business) district at 639 17th Street, zoned B-3 (community business) district.

Mr. Fries presented the staff report. He said the City has received statements of concerns about drainage and close proximity from Robert Lohmeier who owns 633 17th Street. Mr. Fries further explained that the zoning ordinance requires that Portable Outdoor Storage Units only be allowed in business zoning districts for 90 days per calendar year, that there be a 6 foot separation between the

storage unit and any structure on the subject property, and a 5 foot setback from all property lines. (Section 8.14 [I] [2]). The applicant proposes to maintain the existing storage unit on the property.

The City received a complaint regarding the location of the 20' x 8' x 8' storage unit and following investigation it was determined that it was in violation of zoning regulations. After contacting the owner of the property and business the applicant decided to submit a variance request to the Board.

The business recently expanded the structure with a building addition on the east end of the alley. The City required that a former shed on the north side be removed so the property would meet the north rear yard setback allowing the addition to extend all the way to the east property line. The loss of the shed has appeared to the need to locating the storage unit on the site. The applicant indicates that the storage unit is used to store products and merchandise. Staff believes that maintaining the storage unit at that location will have a negative effect on the property to the north due to its close proximity to the property line.

Chairman Snyder called for the applicant.

Julio Guevara, business owner of 639 17th Street, was sworn in. He said there is limited space on the site for storage and that he wants to stay in Rock Island and grow his business here. He said there was a fence at the location of the storage unit and the fence did slow down water some, but the neighbor never complained about that. He said he would like to keep it, but would have to sell it if the Board did not approve his request. He also said his efforts to contact the adjacent property owner of purchasing its parking lot have gotten no response.

Ms. Whitten asked if he could relocate the storage unit to the west to maintain the setback and separation requirements. Mr. Guevara replied that he did not know if that would work.

Chairman Snyder said the situation is the same for the Board as last month.

Mr. Day said he would like to look at a motion to give the applicant 60 to 90 days to work out the purchase of an adjacent property to relocate the storage unit to.

There being no questions, and as no one else wished to speak, the public hearing was closed.

Decision Case #2020-08 – Mr. Day made a motion to table the request for approximately 60 days to allow the applicant more time to work out contacting and making arrangements with the adjacent property owner to the east.

Mr. Sowards seconded the motion, and it passed unanimously (Day, Sowards, Whitten, Fambro Carter, and Snyder).

Other Business:

Mr. Fries asked Board members if they would consider to have the October 14th meeting be a hybrid meeting with some people attending the meeting in person in the Council Chambers, while others would choose to attend virtually. Chairman Snyder said he would choose to still attend virtually. He asked Mr. Day if he would be at the meeting in person would he agree to chair the meeting. Mr. Day said he would. Mr. Sowards, Ms. Whitten and Ms. Fambro Carter said they would consider attending the meeting in the Council Chambers also. Mr. Fries said staff would look into it and get back to Board members about the arrangements.

Adjournment:

Chairman Snyder adjourned the meeting at 6:55 p.m.

Respectfully submitted,

Alan Fries
Acting Secretary, Rock Island Board of Zoning Appeals