

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

Regular Meeting

5:30 p.m.

October 14, 2020

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

Staff Present: Alan Fries.

Vice Chairman Day 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. Mewes made a motion to approve the written agenda for the meeting. Ms. Parker seconded the motion, and it passed unanimously.

Approval of Minutes – Mr. Sowards made a motion to approve the Minutes of the September 9, 2020 regular meeting. Mr. Mewes seconded the motion, and it passed unanimously.

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

Public Hearing #2020-9: The applicant, John and Marie Vize asking for a variance from the parking area improvement surface requirement of either asphalt or concrete to instead use gravel for the surface of a proposed driveway/parking area for a site located in an R-3 (one and two family residence) district at 80 Shore Acres.

Mr. Fries presented the staff report. He said four people have submitted Interested Party Forms, they include John and Denise Van Norman, 512 42nd Avenue, Kelly Forest, 516 42nd Avenue, Brian Penry, 4022 4th Street and Marvin Hubbell and Chris Minor-Hubbell. He said one comment of support for the variance had been received from Frank Hoteling of 77 Shore Acres.

Mr. Fries said the zoning ordinance requires driveway or parking area improvements to be either asphalt or concrete (Section 8.14E). The applicant proposes to locate a gravel driveway/parking area on the site for parking and turning around vehicles.

The property is undeveloped and the applicants desire to have a parking area with turnaround to be able to park and enjoy the property. No development is proposed at this time. There are several unimproved parking areas in the neighborhood.

Vice Chairman Day called for the applicant.

John Vize, owner of 80 Shore Acres and residing at 15422 River Road in East Moline, Illinois, was sworn in. He said he has been doing site preparation for the last two years for a potential home at 80 Shore Acres and that gravel is more in keeping with the site and area because it is more permeable.

Mr. Mewes asked if there are other gravel driveways in the neighborhood. Mr. Vize replied just about all of them are including the street.

Vice-Chairman Day called for Interested Party Marvin Hubbell.

Marvin Hubbell, 31 Wildwood Drive and owner of 67 Shore Acres, was sworn in. He began by making statements regarding rock work being done in the 100 year floodway and that he has contacted the Illinois Department of Natural Resources about the issue.

Vice-Chairman day said he can make statements later in the meeting, but this is the time to ask the applicant any questions he has. He added any statements made later should only apply to the specific variance being considered by the Board.

Mr. Hubbell asked if Mr. Vize is aware that the gravel work he has done could affect water drainage on his property. Mr. Vize replied we could talk all night about what if questions.

Vice-Chairman asked if Brian Penry would like to ask questions. There was no response.

Vice-Chairman Day asked if John and/or Denise Van Norman would like to ask questions.

John Van Norman, 512 42nd Avenue, was sworn in. He asked if all parties are here tonight and if Mr. Vize would be keeping all the gravel on his property. Mr. Vize replied that he does not think that is a question specifically pertaining to the variance request.

Vice-Chairman asked if Ms. Forest would like to ask questions. There was no response.

Vice Chairman asked for proponents to speak.

Wayne Mosher, 520 42nd Avenue, was sworn in. He said he has no problem with the variance at that location as gravel is more aesthetic.

Vice-Chairman Day called for opponents.

Shari Bealer, 526 42nd Avenue, was sworn in. She said she is opposed to the variance because if the applicant is going to construct a house he should follow all the rules. She added if he is not constructing a house she is okay with the variance.

Mr. Brainard said no building permit has been issued nor any building plans for a dwelling have been submitted to the City for 80 Shore Acres.

Marvin Hubbell, who had already been sworn in, said that Mr. Vize has done more than he said he would

do to his property and the unimproved 42nd Avenue right-of-way adjacent to this property. He said Mr. Vize has done work that has compromised public access to the river.

Mr. Brainard said that only statements related to the specific variance for the parking surface on the site should be stated by opponents and considered by the Board. He said any concerns over any work done in public right-of-way should be directed to the Public Works Department Director.

Vice-Chairman Day asked Mr. Vize if he had any questions for Mr. Hubbell.

Mr. Vize asked if there was any basis for putting gravel on the road near his property since it is an easement making it a public use area.

Mr. Fries said any questions of Mr. Hubbell need to be related the specific variance request before the Board.

Mr. Vize made a final statement that he thinks Mr. Hubbell has a grudge against him going back to when it was discovered that he had to move a part of a retaining wall on 42nd Avenue right-of-way and that also a part of his house was located on the same right-of-way.

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

Decision Case #2020-09 – Mr. Mewes made a motion to approve the request because:

1. Reasonable Return: The proposed variance will improve the return on the property.
2. Unique Circumstance: There is not a structure on the property.
3. Character Alteration: The proposed variance will not alter the character of the neighborhood.

Ms. Whitten seconded the motion, and it passed unanimously (Mewes, Whitten, Parker, Sowards and Day)

Public Hearing #2020-10: The applicant, Steven S. Golden, requests a variance to locate an accessory structure in a front yard and a variance of 19 feet of the 25 foot front yard setback requirement in an R-2 (one family residence) district at 1514 Big Island Parkway.

Mr. Fries presented the staff report. He said that the zoning ordinance requires that accessory structures be located in a rear yard (Section 8.5A), and that there be a 25 foot front yard setback for structures (Section 15.5). The applicant proposes to construct a shed/storage building (20' x 20') in the south front yard.

The proposed accessory structure will be situated six feet from the south (“second” front yard location) and also six feet from the east property line (six foot tall wood privacy fence along this property line). The structure will be used to store yard equipment and other items. There will not be a driveway to the structure from 65th Avenue West (Canal Avenue) to the south.

he 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.

Vice-Chairman Day called for the applicant.

Tracey Nees, 1514 Big Island parkway, was sworn in. She said she lives with Mr. Golden and that he could not attend tonight's hearing. She said she was available for questions.

Mr. Mewes asked if there was a way to fit the structure on the site without a variance. Ms. Nees replied that to do so would be costly as they would have to cut down several trees and also move a garden area. She said the location is needed to store a riding lawnmower and they need it to be close to 65th Avenue because they cannot drive the lawnmower to the north front yard because other buildings block access to it. She added that their neighbor to the east also has an accessory structure in the south front yard.

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

Decision Case #2020-10- Ms. Parker made a motion to approve the request because:

1. Reasonable Return: The proposed variances will improve the return on the property.
2. Unique Circumstances: The lot has two front yards due to having frontage on two public streets.
3. Character Alteration: The proposed variances will not alter the character of the neighborhood.

Mr. Sowards seconded the motion, and it passed unanimously (Parker, Sowards, Mewes, Whitten and Day).

Public Hearing Case #2020-11: The applicant, Thomas L. Spann Jr, requests a variance of 17.5 feet of the 30 foot north rear yard building setback requirement, a variance of 7 feet 8 inches of the 10 foot east side yard building setback requirement, a variance to not locate a landscaped bufferyard in the east side yard, a variance of 10 feet of the 10 foot west front yard parking lot landscaping edge requirement and a variance of 10 feet of the 10 foot south front yard parking lot landscaping edge requirement in an R-6 (multi-family residential) district that is also proposed to be rezoned to B-3 (community business) district at 319 11th Street and 1109 4th Avenue.

Vice Chairman day called for proponents.

Mark Schwiebert, attorney representing the applicant, was sworn in. He said the lot is not very large, so there is the need for all the variances to accommodate the proposed 8,000 square foot structure with four business spaces. He said Mr. Spann's pest control business would utilize a little over one-half of the building space for the expansion of his pest control business.\

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

Decision Case #2020-10 – Ms. Parker made a motion to approve the request because:

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

Mr. Sowards seconded the motion, and it passed unanimously (Parker, Sowards, Mewes, Whitten and Day).

Adjournment:

Vice-Chairman Day adjourned the meeting at 6:35 p.m.

Respectfully submitted,

Alan Fries
Acting Secretary, Rock Island Board of Zoning Appeals