

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

Regular Meeting

7:00 p.m.

September 9, 2015

ATTENDANCE:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
(x) Kevin Day		(x) Karen Williams
(x) Dave McAdam		(x) Larry Tschappat
() Gary Snyder		(x) Robert Wild
(x) Faye Jalloh		

Staff Present: Ben Griffith and Alan Fries.

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

Approval of Minutes – Mr. Tschappat made a motion to approve the Minutes of the August 12, 2015 meeting. Mr. Day seconded the motion, and it passed unanimously.

Procedural Explanation – Vice-Chairman McAdam explained the procedure to be followed for the public hearing. He identified that two Statement as Interested Party applications had been received for Case #2015-11.

Public Hearing #2015-11 - Request from Rafferty Funeral Home for a special exception to expand a non-conforming use in an R-2 (one family residence) district at 4205 30th Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires Board authorization to expand a non-conforming use (Section 5.12). The applicant proposes to construct a one-story crematory structure and parking area on the site.

The applicant will be subdividing and purchasing a segment of the Cemetery in order to create the subject site with access off of 30th Street. Currently, there is a drive access, which may be able to be used for access to the site. Board action will be subject to the City Council approving a minor plat of subdivision for the new lot. Council is expected to consider the plat at its September 14th meeting.

The proposed structure will be 60' x 40' (2,400 square feet) and will be located approximately 150 feet from the west front property line. It will also be located approximately 30 feet from the north side property line and approximately 130 feet from the east rear property line. To the south of the structure there will be a 9-space parking lot.

There will be two employees working out of the site (same employees that currently work at Memorial Park Cemetery). There will not be a public service area proposed at this time (a chapel on the west side of the structure is proposed in the future). There will be a small viewing area for those who are having pets cremated. The applicant anticipates approximately 28 human cremations per month. The applicant does not have an estimate for the number of pet cremations

and is expected to provide information to the Board at the public hearing explaining that the cremator will not emit visible smoke and will not produce an odor.

He said that two neighbors in objection to the request have submitted Statement as Interested Party applications. The first is from Donald L. Smith, 4016 30th Street and the second is from Angela Daugherty, 4000 30th Street. Concerns identified by these neighbors are increased traffic, air quality and a business being in line of sight from their residences.

Vice-Chairman McAdam called for proponents.

Kevin Rafferty, 2545 13th Street in Moline, was sworn in. He said the proposed structure will be set back from 30th Street and will not be visible from neighbors. He said there is a wooded area to the north that buffers the site from neighbors. He said that the structure is not intended to have a public use area now and that only two people will work at the facility. He said that there would not be significant smoke emissions because new machinery used for cremations has improved considerably through the years.

Chris Bode, 1701 Timber Ridge Drive in Port Byron, Illinois, was sworn in. He identified himself as being a part of the group of funeral directors involved with proposing the new crematory use and structure. He submitted several handouts to the Board explaining the cremation process, a reference list from the equipment company and testing results from the Cremation Association of North America (CANA) identifying that the after burner chamber of the equipment burns off any remaining particulates before they are emitted into the air.

Ms. Williams asked if there was any odor from the emissions. Mr. Bode replied that only heat vapors are coming out of the stack because the equipment operates at a temperature between 1400 and 1800 degrees. He added there is also a second chamber that is equally as hot and burns off any particulates that may have been missed in the first heating chamber. He said that smoke odor is extremely rare, which is why the Federal Government does not even regulate these emissions and that the only governmental regulation is handled through the State of Illinois Department of Air Quality. He added that the smoke odor of this equipment is way below any State requirements.

Ms. Williams then asked what the noise level was. Mr. Bode replied that it was minimal and that the only noise would be from a 5 horse-power blower fan. He said the noise level would be similar to a generator noise inside a building.

Vice-Chairman McAdam asked what times of the day would they use the equipment. Mr. Bode replied it would be variable and at approximately eight to ten hours during a work day. He said a typical work day would be from 7:30 a.m. to 4:00 p.m. but final cremations could be done at approximately 9:00 p.m. and could run up to three hours from that point. He said no one would know when they would be doing cremations as it would be private with the vehicle pulling into an attached garage space.

Vice-Chairman McAdam called for the Interested Party objectors.

Donald Smith, 4012 30th Street, was sworn in. He said he had expressed concerns over air quality in his Interested Party form, but is now satisfied with the answers regarding that issue from the applicant's testimony. He said he still has concerns about his property value because of putting a business in a residential area. He said he had no questions of the applicant.

Angela Daugherty, 4000 30th Street, was sworn in. She said she agrees with the concerns about property values related to locating a business in a residential area and she also still has concerns over odor and air quality. She said there could be long-term effects on health caused by the emissions from the facility. She asked if the applicants had experience with the equipment being proposed for the site. She said that 28 cremations per month is a lot and that adding pet cremations would be too large a total number for a residential area.

Sedge Charles, 4000 30th Street, was sworn in. He said he was Ms. Daugherty's son. He said that the applicants indicated the odor would be rare, but questioned if that level would be considered rare to neighbors. He said there is not adequate evidence to back up the applicant's claim there would not be odor from the facility. He suggested that the cited study could be biased since it was not conducted by an independent agency, but rather by a participant of the cremation industry.

Vice-Chairman McAdam asked the applicant to come forward to address questions and concerns identified by the neighbors.

Mr. Rafferty said he did not think the use would negatively affect property values because it would be a nice building and would not even be able to be seen from the neighbor's property. He said there would also be landscaping added around the structure. He said there is a crematory located at Chippiannock Cemetery that was established in the 1970's and there have been no complaints from neighbors about it. He added that the technology is better now than what is being used at Chippiannock Cemetery. He added that the CANA study was a \$300,000 study that found there were no health or safety concerns from crematories.

Mr. Bode again said the reason the Federal Environmental Protection Agency does not regulate crematories is that there is no health or safety reasons for them to regulate them. He added that the noise level would be minimal and that the structure would be located 150 feet from 30th Street.

Mr. Day asked if there was a wooded ravine between the structure and the neighbors. Mr. Bode replied that there was and that there should not be any more significant traffic added to the neighborhood because of the proposed use.

Mr. Mike Van Hoe from Van Hoe Funeral Home added that the reason the funeral directors choose the cemetery for the crematory was because it would be the best place for a crematory and would also utilize the workers of the cemetery.

Ms. Williams said the cemetery would want the area to remain quiet. She asked if they have objected to the request. Mr. Van Hoe replied that have not.

Mr. Tschappat said he would like to see a building elevation of the structure and asked if they had one to show the Board. Mr. Rafferty replied they did not yet, but there would be brick trim added to the structure to improve its appearance.

As no one else wished to be heard, Vice-Chairman McAdam closed the public hearing.

Decision Case #2015-11– Mr. Tschappat made a motion to continue the request until the next regular Board meeting so the applicant can provide a building elevation picture for the Board.

Ms. Williams seconded the motion.

Mr. Day said he does not see there is a problem without having a building elevation because of the reputation of the type of structures the funeral directors have constructed for their business. He said they would not build something that would not be good.

Mr. Williams said that the Board should focus more on the proposed use of the site not the building.

Mr. Day agreed and said the Board should not vote on the appearance of the building.

Mr. Wild agreed.

Mr. Tschappat said he would prefer to see what he is voting on.

Vice-Chairman agreed that the Board should focus on the use and not the building. He then called for a vote on the motion to continue the request until the next meeting and it failed to pass with Mr. Tschappat and Ms. Jalloh voting aye and Mr. Day, Mr. Wild, Ms. Williams and Vice-Chairman McAdam voting nay.

Ms. Williams then made a motion to approve the request because:

1. The proposed use will improve the return on the property.
2. The proposed use will not alter the character of the neighborhood.

Mr. Day seconded the motion and it passed with Mr. Wild, Ms. Williams, Mr. Day, Ms. Jalloh and Vice-Chairman McAdam voting aye and Mr. Tschappat voting nay.

Public Hearing #2015-13 - Request from Michael Lenger for a variance to locate an accessory structure a front yard in an R-2 (one family residence) district at 3627 24th Avenue.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires that accessory structures be located in either a side or rear yard (Section 8.5A). The applicant proposes to maintain an already constructed pergola (16' x 20') in the south front yard. The applicant has an existing fenced in area that provides safety and security for an in-ground swimming pool. He recently constructed the pergola in this area touching the south side of the privacy fence (fence extends out approximately 15 feet from the house line). The house is set back approximately 60 feet from the south front property line, so the pergola is approximately 45 feet from this same front property line. Staff does not believe the open-sided pergola will alter the character of the neighborhood. He said one objection had been received from Shirley Cruzen of 3612 34th Avenue. She expressed concerns over property values and character of the neighborhood issues.

Vice-Chairman McAdam called for proponents.

Andrew Dasso, 3512 38th Street, was sworn in. He said he was representing the applicant and was available for questions.

Mr. Tschappat asked if he was aware the structure was already built. Mr. Dasso replied he was and that the applicant was not aware of the zoning regulations.

Michael Lenger, 3627 24th Avenue, was sworn in. He submitted individual letters of support from eight other neighbors from the residents along 24th Avenue.

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

Decision Case #2015-13– Mr. Wild made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. The proposed variance will not alter the character of the neighborhood.

Mr. Tschappat seconded the motion and it passed unanimously.

Public Hearing #2015-14 - Request from John Mahlo for a variance of 12 feet of the 25-foot front yard setback requirement in an R-2 (one family residence) district at 3016 43rd Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a 25-foot front yard in an R-2 zoning district (Section 15.5). The applicant proposes to construct an open deck (8' x 22') in the east front yard.

The applicant has removed the existing steps from the front of the house and desires to locate the proposed open deck and new steps (deck will extend eight feet into the east front yard). There will be 13 feet remaining in the front yard setback on the site. The Board approved a similar front yard deck extension variance at 2912 43rd Street in 2009 (five properties to the north of the subject site).

Vice-Chairman McAdam called for proponents.

John Mahlo, 30126 43rd Street, was sworn in. He said he had concrete steps that have started to cave in and he now desires to locate a deck at the same place to increase the value of his home. He said it will be similar to an approved deck located five houses to the north of his property.

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

Decision Case #2015-14– Ms. Jalloh made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. The proposed variance will not alter the character of the neighborhood.

Mr. Day seconded the motion and it passed unanimously.

Public Hearing #2015-15 - Request from Gary and Melody Amundson for a variance of 7 feet of the 25-foot front yard setback requirement in an R-3 (one and two family residence) district at 1521 24 ½ Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a 25-foot front yard in an R-3 zoning district (Section 16.5). The applicant proposes to construct an open deck (6' x 25') in the west front yard.

Currently, there is a 5-foot extension for a landing and stairs. The proposed open deck will extend 1 foot more into the west front yard and will also extend most of the width of the house. The deck will have railings similar to those in the attached photo. There will be an 18-foot remaining front yard setback.

Vice-Chairman McAdam called for proponents.

Gary Amundson, 1521 24 ½ Street, was sworn in. He said the deck will extend 1 foot closer to the front property line than the existing landing and will also extend the width of the house. He said he has lived there since 1983 and hopes the deck will improve the value of the property whenever he sells the house.

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

Decision Case #2015-15– Mr. Day made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. The proposed variance will not alter the character of the neighborhood.

Mr. Wild seconded the motion and it passed unanimously.

Public Hearing #2015-16 - Request from St. Pius Catholic Church for a special exception to expand an authorized use in an R-2 (one family residence) district at 2502 29th Avenue.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires Board authorization to expand an authorized use in an R-2 zoning district (Section 15.3). The applicant proposes to construct a one-story approximate 4,600 square foot building addition on the north side of the existing church structure.

The addition will add all-purpose meeting space, but will not be adding seats to the sanctuary. The addition will not trigger additional parking requirements for the site. The addition will be extending north from the church structure between it and the school parking lot to the north.

The Chief Building Official has allowed the applicant, at their own risk, to proceed with some foundation and utility work, due to their time schedule and the end of the construction season.

Vice-Chairman McAdam called for proponents.

Michael McNeil, 2550 6th Street Court in East Moline, was sworn in. He said he works for Gere, Dismar Architects who is doing the architectural work for the church. He said the addition will complement the existing church structure and will have lots of stone and glazing details. He said the addition is located to the school building and a parking lot.

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

Decision Case #2015-16– Mr. Tschappat made a motion to approve the request because:

1. The proposed use will improve the return on the property.
2. The proposed use will not alter the character of the neighborhood.

Mr. Wild seconded the motion and it passed unanimously.

Public Hearing #2015-10 - Request from Rodney Link for a special exception for a one-year temporary use for a gravel parking lot in an R-3 (one and two family residence) district at 1715 28th Street.

Mr. Fries said the applicant was not present, but had indicated to staff he was working out of town and may not be able to make it in time for the beginning of the meeting. He said it appears he has been detained longer.

Mr. Wild made a motion to continue the request until the October regular meeting.

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

Other Business:

Mr. Griffith said there are three new cases along with the continued case from tonight for the October regular meeting agenda. He reminded the Board members to be mindful of any *ex parte* communications and to contact the Planning Office with any questions regarding any items on upcoming agendas.

Adjournment:

Vice-Chairman McAdam adjourned the meeting at 8:30 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Ben Griffith". The signature is written in a cursive, flowing style.

Ben Griffith, AICP, Secretary
Rock Island Board of Zoning Appeals