

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

**Regular Meeting**

**7:00 p.m.**

**October 14, 2015**

ATTENDANCE:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
(x) Kevin Day		(x) Karen Williams
(x) Dave McAdam		(x) Larry Tschappat
<input type="checkbox"/> 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 September 9, 2015 meeting. Mr. Day seconded the motion, and it passed unanimously.

*\*PLEASE NOTE: due to an oversight, these minutes were approved, but not posted on the City's website. This oversight was corrected and the approved minutes were posted on November 11, 2015.*

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

**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 28<sup>th</sup> Street.**

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires Board authorization for a temporary use, which can be up to one year in duration (Section 5.13). The applicant proposes to construct a two-vehicle gravel parking area for up to one year, to allow the ground to compact after removing a large tree from the site.

The applicant removed a large tree from this location and desires the one year time period for the area to settle before he improves the parking area with asphalt or concrete.

Vice-Chairman McAdam called for proponents.

Rodney Link, 1715 28<sup>th</sup> Street, was sworn in. He said he took down a large tree in the yard and wants a year for the ground to settle before putting a concrete pad in the area. He said he has talked to neighbors and no one has an objection.

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

**Decision Case #2015-10**– Ms. Jalloh made a motion to approve the request because:

1. The proposed temporary use will improve the return on the property.
2. The proposed temporary use will allow for the area to settle following excavation of a large tree from the location.
3. The proposed temporary use will not alter the character of the neighborhood.

Mr. Wild seconded the motion and it passed unanimously.

**Public Hearing #2015-17 - Request from Alan Carmen of Rock Island Township for a variance to install two signs (an 8 square foot unlighted sign and a lighted freestanding sign up to 19 square feet) and a variance of 9 feet of the 10-foot setback requirement from all property lines for a freestanding sign for an institutional use (Rock Island Township Hall) in an R-3 (one and two family residence) district at 2827 7<sup>th</sup> Avenue.**

Mr. Fries presented the staff report. He explained that the Sign Ordinance requires that there only be one unlit sign (attached or freestanding) and a 10-foot setback for freestanding signs for institutional uses (churches or other similar uses) in residential zoning districts (Section 6 [a] {6}). The applicant proposes to erect a 2' x 4' unlighted attached sign on the north façade of the structure and either an 19 square foot internally lighted freestanding sign or a 19 square foot LED message board freestanding sign, 6 feet in height from grade to top of sign located 1 foot from the south property line in the south front yard.

The applicant will remove all attached signs from the property and install one unlit attached sign (8 square feet in total) on the north building façade adjacent to the rear entrance off a parking lot. This, and two of the proposed freestanding signs, include a new logo for the Township and support their desire to pass along information to township residents.

Currently, there is not a freestanding sign on the property. The applicant has submitted four freestanding sign proposals and is seeking approval to allow only one of the four proposed signs for the property in the “scope of work” sign bid proposal, which were included with the staff report.

All freestanding sign proposals would be for the lighted sign, approximately 19 square feet in area, 6 feet in height and setback 1 foot from the south property line. Three of the signs (Options B, C and D) would have an LED message display, while Option A is the only proposal for a lighted sign cabinet with no digital message board. If the Township receives a bid that fits within their financial allowances, they hope to locate Option D on the site, which includes an LED display with a top nameplate that will include the new township logo. If the Board does not consider approving Option D the applicant is asking them to consider any one of the other options for approval. Finally, the applicant has indicated their agreement to set the lighting on any of the freestanding signs on a timer set to turn off the sign lights at 9:00 p.m. Staff recommends that the Board place this stipulation on the decision.

Vice-Chairman McAdam called for proponents.

Alan Carmen, Rock Island Township Supervisor located at 2827 7<sup>th</sup> Avenue, was sworn in. He said two attached signs will be removed and an unlit attached sign will be located on the north façade adjacent to a lighted parking lot. He said the proposed freestanding sign they desire will be lighted and have a message board to identify activities at the Township Hall. He said they will open bids on Friday, October 16, 2015, to see if they receive a bid for the message board sign the Township can budget for. He added that if that bid does not meet their finances, they ask the Board to approve other types of lighted freestanding signs identified in the information in their packets.

Ms. Williams said they have presented four options and asked if he would like the Board to identify all four of the option as A, B, C and/or D, if they approve a motion to approve the request for a lighted freestanding sign. Mr. Carmen replied that perhaps the best way is to make a motion to approve setback and lighting variances for the digital sign with the understanding that all the other options can also be erected at the site.

Mr. Wild clarified that if the Board approved Option D with the digital sign that would mean all the other options would be acceptable. Mr. Carmen replied that it would get the same result as identifying all four options in a motion.

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

**Decision Case #2015-17**– Mr. Wild made a motion to approve the request because:

4. The proposed variances will help identify activities at the Township Hall.
5. The proposed variances will not alter the character of the neighborhood.

He added the stipulation to have the lights of the freestanding sign be set on a timer to turn off at 9:00 p.m.

Mr. Day seconded the motion and it passed unanimously.

**Public Hearing #2015-18** - Request from Jaswinder Singh for a variance of 3-stack space requirement for a commercial drive-thru facility in a B-3 (community business) district at 722 11<sup>th</sup> Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a 6-vehicle stacking space requirement for drive-thru facilities in a business zoning district (Section 8.14D {13}). The applicant proposes to have 3-stack spaces adjacent to a food drive-thru window with a driving aisle separating those spaces from 3 additional stack spaces in the north front yard.

The applicant has recently constructed a gas pump island to the north of the convenient store structure. No variances were required for this improvement. The applicant now desires to have a drive-thru window on the north end of the structure for ready-made chicken and wings. He indicates that there will be no liquor sold through the window. The attached site plan identifies there will be a total of 6 stacking spaces, but they will be separated by a driving lane to the gas

pumps. The applicant indicates the 3 spaces adjacent to 11<sup>th</sup> Street will be marked for customer stacking for the drive-thru.

Vice-Chairman McAdam called for proponents.

Jaswinder Singh Jr., 722 11<sup>th</sup> Street, was sworn in. He said his business wants the drive-thru and that he is available for questions.

Vice-Chairman McAdam called for opponents.

Francisco Huizar, 1016 7<sup>th</sup> Avenue, was sworn in. He said he has lived there for 35 years and is not happy about the subject commercial use as there is a lot of noise coming from the customers of Mr. Singh's business resulting in him having to call the police. He said he wants them to put up a 5-foot privacy fence adjacent to his house so people do not look into his property and throw trash into it. He also said customers go the bathroom by the commercial dumpster on the subject site.

Vice-Chairman McAdam called for a rebuttal.

Mr. Singh said he cannot tell people to stop playing music in their cars, but that he has relocated the dumpster.

Vice-Chairman McAdam asked him if he would consider putting up the privacy fence next to Mr. Huizer's property. Mr. Singh replied that if the Board approved the request he could talk to his father about it, but if it's a condition to allow the window, we will install the fence.

Mr. Tschappat asked how long the business is open on a daily basis. Mr. Singh replied until 1:00 or 2:00 a.m.

Mr. Tschappat then said that car headlights on Mr. Huizer's property would be a problem for him and supported locating a privacy fence next to his property.

Vice-Chairman McAdam indicated that a 6-foot fence would be better and that it would keep litter from going on the neighbor's property.

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

**Decision Case #2015-18**– Mr. Tschappat made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. The lot is a corner lot with two front yards.
3. The proposed variance will not alter the character of the neighborhood.

He added the stipulation that a 6-foot tall privacy fence be installed along the west property line of the subject property and adjacent to 1016 7<sup>th</sup> Avenue from the sidewalk to the south property

line of 1016 7<sup>th</sup> Avenue.

Ms. Jalloh seconded the motion.

Mr. Day said the fence should be pulled back from the sidewalk along 7<sup>th</sup> Avenue to allow for better vision around the fence.

Mr. Tschappat revised his motion to require the fence to be located 3 feet from the inside sidewalk line parallel with 7<sup>th</sup> Avenue to the south property line of 1016 7<sup>th</sup> Avenue.

Ms. Jalloh seconded the revised motion.

Mr. Huizan asked if he could address the Board.

Vice-Chairman McAdam re-opened the public hearing to allow Mr. Huizan to speak.

Mr. Huizan said he wants the privacy fence to be located in the right place and added that there is a chain-link fence that he believes is his, but it is located 10 inches on Mr. Singh's property. He said he does not trust where the applicant thinks the property is located.

Vice-Chairman McAdam recommended that he should get the property surveyed to identify the correct location of the property line.

Mr. Day said the new fence should be located where the existing chain-link fence is located.

Mr. Wild said discussing the fence location is far beyond the variance requested was and creates another problem, so he will be voting against the motion to approve the request with the stipulation of a fence.

Vice-Chairman McAdam closed the public hearing again and called for a vote on the motion to approve the request with the stipulation for a 6-foot privacy fence as stated by Mr. Tschappat and it passed with Mr. Day, Ms. Jalloh, Mr. Tschappat, Ms. Williams and Vice-Chairman McAdam voting aye and Mr. Wild voting nay.

**Public Hearing #2015-19 - Request from Walter Trice for a variance of 3 feet of the 6-foot setback from an alley property line and a variance of 2 feet of the 3-foot setback from a property line for an accessory structure in a rear yard in an R-3 (one and two family residence) district at 1840 13<sup>th</sup> Street.**

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a 6-foot setback from an alley property line and a 3-foot setback from an adjacent property line for an accessory structure in a rear yard in a residential zoning district (Section 8.5A). The applicant proposes to remove an existing detached garage and construct a new detached garage (24' x 30') in the west rear yard.

The applicant will remove the existing detached garage from the property because work

performed by a contractor was completed without a building permit and the existing structure has been determined to not be code-complaint. The proposed garage will have approximately the same footprint as the existing garage. The proposed garage will have the same south side setback as the existing garage, but will be approximately 3 feet further from the alley than the existing garage.

Vice-Chairman McAdam called for the proponent.

Walter Trice, 1840 13<sup>th</sup> Street, was sworn in. He said that if he had to maintain the 6-foot setback from the alley it would make the turn into the garage from his driveway too difficult

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

**Decision Case #2015-19**– Ms. Williams made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. The lot meets the minimum lot area and width requirements for an R-3 zoned parcel, but the lot depth is not as long as other parcels in the neighborhood.
3. The proposed variance will not alter the character of the neighborhood.

Mr. Tschappat seconded the motion and it passed unanimously.

**Other Business:**

Mr. Griffith said there are three cases for the November 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 7:49 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