

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

Regular Meeting

7:00 p.m.

March 8, 2017

ATTENDANCE:	(x) Present	() Absent
(x) Kevin Day		(x) Karen Williams
(x) Dave McAdam		(x) Larry Tschappat
(x) Gary Snyder		(x) Robert Wild
() Faye Jalloh		

Staff Present: Ryan Berger, Alan Fries.

Chairman Snyder called the meeting to order at 7:00 p.m.

Approval of Minutes – Mr. Tschappat made a motion to approve the Minutes of the February 8, 2017 meeting. Mr. Wild seconded the motion, and it passed unanimously.

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

Public Hearing #2017-03 - Request from Terry Woolison for a variance to allow a second ground level dwelling unit in the rear of a commercial structure in a B-1 (neighborhood business) district at 1303/1305 30th Street.

Mr. Fries presented the staff report. He explained the Zoning Ordinance requires that dwelling units in a B-1 zoning district be above a ground level (Section 25.2N). The applicant proposes to reestablish a second dwelling unit on the ground level of the commercial structure.

The applicant desires to re-establish a second ground level apartment dwelling unit in the rear of the structure (commercial spaces are in the western front of the structure). One of the past commercial tenants expanded into part of the dwelling space for its use and the balance of the space was not useable for a dwelling, so it remained unused. Currently there is one dwelling unit in the rear of the structure that was established prior to the current ordinance, so it remains an allowable nonconforming use. Both residential uses would have separate entrances.

There is a rear yard improved parking area with 8 off-street parking spaces with access to the alley. The site meets ordinance parking requirements for the two residences and the commercial space.

Chairman Snyder called for proponents.

Terry Woolison, 914 W. Donahue Street in Eldridge, Iowa, was sworn in. He said he is trying to sell the property and that prospective buyers are interested in reestablishing the second dwelling on the property along with utilizing the commercial space. He said the former second residential space is in the rear making it not as feasible for commercial use.

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

Decision Case #2017-03 – Ms. Williams made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. There had been a second dwelling at one time at the property, but one of the past commercial tenants expanded into part of the dwelling space.
3. The proposed variance will not alter the character of the neighborhood.

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

Public Hearing #2017-04 - Request from the Rock Island County Building Commission for a variance of 12 feet of the 45 foot maximum building height, a variance of 3 feet of the 6 foot maximum fence height and a variance of 18 feet of the 25 foot separation requirement for an exterior flammable liquid storage tank from a structure in a B-3 (community business) district at 1401 3rd Avenue.

Mr. Fries presented the staff report. He explained that The zoning ordinance requires a maximum height of 45 feet in a B-3 district (Section 27.6), a maximum fence height of six feet in districts other than industrial districts (Section 8.12) and a 25 foot separation requirement between an exterior wall and bulk storage for flammable liquids (Section 34.9B).

The applicant proposes to construct an approximate three-story, 53,000 square foot building addition to the north side of the existing Justice Center structure along with locating a 1,500 gallon flammable liquid storage tank to the north of the existing Justice Center and a 9 foot architectural ornamental steel picket fence surrounding a secured surface parking lot off of 2nd Avenue. The proposed project is expected to be completed by December 2018.

The three story addition will have 6 courtrooms and several court related offices (Circuit Clerk, States Attorney and court administration) relocated from the existing Courthouse. The addition will be connected to the existing Justice Center by two above ground passageways. Public access to the new addition will be through the existing 3rd Avenue secured entrance. The proposed 57 foot height addition is 22 feet less in height than the 79 foot existing Justice Center (received a height variance in 1988). The north building setback will be approximately 23 feet.

The 9 foot tall steel picket fence will enclose a 27 space secured parking area to be used by judges and other court personnel. Access will be from 2nd Avenue. The proposed diesel fuel tank/generator will be used for emergency backup for the Justice Center power system as the County Jail has its own existing underground storage tank for the backup generator). The City Fire Marshall has no objections to the location of the diesel fuel tank because there are noncombustible exterior walls adjacent to its proposed location and there are also no nearby openings.

The proposed development will result in the relocation of 170 surface parking from the subject site to County owned parking lots on the south side of 3rd Avenue. The Board approved several landscape variances for a 122 employee parking lot between 12th and 14th Street. The County also improved a 91 space public parking lot at the southeast corner of 3rd Avenue and 14th Street (218 total parking spaces added), so no parking variances are required for the development.

Mr. Tschappat said he does think the unique circumstance identified in the staff report is appropriate because the Board does not set precedence by approving a prior height variance on the site and that each request is considered on a case-by-case basis.

Chairman Snyder called for proponents.

Jim Hass, 3610 78th Avenue West and a representative of the construction management team for the proposed addition, was sworn in. He said the need for the height variance was so that a three story building addition could be constructed in order to get the necessary building area to relocate the courtrooms and offices into the new addition. He said the fence height variance was needed to provide adequate security for judges and court personnel. He said that the proposed generator was similar to one located at the new Rock Island Police Station and the proposed location has been signed off by the City Fire Marshall. He added that the connected walkways are proposed to provide better security during the movement of prisoners from the jail to the courtrooms. He concluded by saying they hope to begin work next week and have the structure enclosed before winter.

Ms. Williams said she understands the need to provide security fencing around the proposed judge's parking lot. She asked if County personnel are always monitoring the security cameras for the County parking lots across the street. Mr. Hass replied that they were monitored.

Decision Case #2017-04 – Mr. Wild made a motion to approve the request because:

1. The proposed variances will improve courtroom space and security for the County.
2. The proposed variances are unique to the new justice system.
3. The proposed variances will not alter the character of the neighborhood.

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

Other Business:

Mr. Fries informed the Board there are two cases for the regular April 12, 2017 meeting.

Adjournment:

Chairman Snyder adjourned the meeting at 7:35 p.m.

Respectfully submitted,
Ryan Berger
Interim Planning and Redevelopment Administrator