

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

Regular Meeting

7:00 p.m.

September 13, 2017

ATTENDANCE:	(x) Present	() Absent
(x) Kevin Day		() 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. Wild made a motion to approve the Minutes of the August 9, 2017 meeting. Mr. Tschappat seconded the motion, and it passed unanimously.

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

Public Hearing #2017-18: The applicant, Angela M. Brewer, has filed a request for a variance of 169 square feet of the 315 square foot maximum 30 percent rear yard coverage requirement for a new detached garage (22' x 22') and a variance to locate an existing storage (8' x 8') in the west front yard in an R-3 (one and two family residence) district at 804 9th Avenue.

Mr. Fries presented the staff report. He explained the Zoning Ordinance requires a maximum area coverage of 20 per cent in a rear yard for accessory structures and that accessory structures be entirely located in a rear yard (Section 8.5A). The applicant proposes to construct a detached garage (22' x 22') in the south rear yard and relocate an existing shed (8' x 8') into the west front yard.

The applicant desires to use the existing concrete parking area for the location for the proposed two-car detached garage and to also keep the existing shed on the property. The proposed garage will meet the 6 foot setback from the alley and the subject house and it will also meet the 3 foot setback from the east property line. However, in order to meet the 6 foot separation between the proposed garage and the shed the applicant will need to relocate the shed somewhere else on the property or remove it. The applicant proposes to move the shed 6 feet to the west, which will then locate it in the west front yard of this corner lot and require the second variance.

Staff believes that the area coverage variance will not alter the character of the neighborhood, but that the location of the shed would have a negative effect on the character of the neighborhood.

Staff also recommends that the variance to locate the existing shed in the west front yard be denied because the property will have a reasonable return without the shed and it will alter the character of the neighborhood.

Chairman Snyder called for proponents.

Angela Brewer, 804 9th Avenue, was sworn in. She said the proposed improvements will improve the subject house and the whole block. She added that she wants to keep the shed because she has a lot of things to store in it.

Kevin Richardson, 804 9th Avenue, was sworn in. He said they have a riding lawnmower they need to store in the shed and that they will move it approximately 6 to 8 feet to the west.

Mr. Tschappat asked if there was room to locate the shed on the east side of the property. Mr. Richardson replied that there was not.

Mr. Wild asked if the proposed shed location would be in line with the concrete steps coming off the house. Mr. Richardson replied that would be the approximate location and that he would also likely remove two of the three trees on the property.

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

Decision Case #2017-18 – Mr. McAdam made a motion to approve an amended request because:

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

Mr. Day seconded the motion and it passed unanimously.

Public Hearing #2017-19 – **The applicant, Martin Pizano, has filed a request for a variance of 47 square feet of the 15 foot maximum sign area for a nonconforming use in an R-4 (one to six family residence) district at 716 24th Street.**

Mr. Fries presented the staff report. He explained the Sign Ordinance requires a maximum sign area of 15 square feet for attached signs for non-conforming uses (Section 10 [a] {4a}). The applicant proposes to erect an attached 62 square foot unlighted sign (8' x 7.75') on the east façade of the commercial structure.

The existing nonconforming commercial structure has commercial uses located to the east and north and a church parking lot to the west. There have been several commercial uses in the two space commercial structure through the years with a commercial printing company being the most recent. The building has been renovated and there is a need for commercial signs to identify the new use. The applicant is an electrical contractor that currently employs five people. There is off street parking located to the south and west of the structure.

The proposed sign will not be lighted and, will be located in a concrete façade space at the northeast corner of the structure facing 24th Street. Staff does not believe the proposed sign will alter the character of the neighborhood as it is a commercial node near a major intersection where there have previously been other businesses.

Chairman Snyder called for proponents.

Christina Hawkins, 2408 16th Avenue in Moline, was sworn in. She said that due to the size of the building and open space the larger sign looks more appropriate and will help identify their business from the intersection with 7th Avenue.

Mr. McAdam said he lives nearby and is happy to see the property going in the right direction with all the improvements that have already been made.

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

Decision Case #2017-19 – Mr. Tschappat made a motion to approve an amended request because:

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

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

Public Hearing #2017-20 – **The applicant, Kevin J. Rafferty of Black Hawk Crematory, has filed a request for a variance of 6 feet of the 15 foot square foot maximum sign area requirement for an approved expansion of a nonconforming use in an R-2 (one family residence) district at 4141 30th Street.**

Mr. Fries presented the staff report. He explained that the Sign Ordinance requires a maximum sign area of 15 square feet for attached signs for non-conforming uses (Section 10 [a] {4a}). The applicant proposes to erect an unlighted freestanding sign (6' x 3.5', or 21 square feet in total area and 4.5 feet in total height) in the west front yard adjacent to the entrance to the crematory facility.

The applicant desires an unlighted freestanding sign to better identify the property. The proposed sign will be located approximately 10 feet from the west property line adjacent to the 30th Street access point to the site. At the writing of this report the applicant has yet to choose what color (black or white background) for the sign from the two options proposed. Staff believes that the proposed sign will be a practical and attractive addition to the site.

Chairman Snyder called for proponents.

Kevin J. Rafferty, 2545 13th Street in Moline, was sworn in. He said they have decided to use the sign with the white background with black lettering and will not remove any landscaping on the site.

Chairman Snyder called for opponents.

Steven Tollenaer, 4th Ward Alderman residing at 2515 29th Avenue, was sworn in. He first thanked the Board for its work and service to the City and indicated he attended the meeting when the Board approved the use in 2015. He said he recalls testimony from the applicant at the meeting that the crematory building would not be visible from 30th Street. He then said he has received three complaints from neighbors who do not want a sign on the property to provide advertising for the use.

Chairman Snyder called for a rebuttal.

Mr. Rafferty said his recollection of what the context of his comments in 2015 was about the building not being visible related to the two neighbors across 30th Street to the north of the site who had objected to the use at the 2015 Board meeting. He said it is hard to hide a 2,400 square foot building from all vantage points along 30th Street. He added that he does not know of any business that does not have any signs.

Mr. Wild said he has driven by the site many times and that the building is not very visible the street.

Chairman Snyder said many people would only attend a visitation at a funeral home and not come to the crematory site. He then asked what the applicant would do if the variance was denied. Mr. Rafferty replied that he has heard from people having a hard time finding the site when bringing a deceased pet to the site for the pet crematory aspect of the business. He added that many people also stop at the crematory site thinking it is the office for the adjacent cemetery.

Mr. Tschappat, McAdam, Day, Wild and Chairman Snyder all said the proposed sign is tasteful and not obtrusive and will help people find the crematory building.

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

Decision Case #2017-20 – Mr. Tschappat made a motion to approve the request because:

1. The proposed unlighted freestanding sign will improve the return on the property..
2. The structure is set back approximately 150 feet from 30th Street and a freestanding sign will help identify the use.
3. The proposed unlighted freestanding sign will not alter the character of the neighborhood.

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

Other Business:

Mr. Fries informed the Board there are two cases for the October 11th meeting. Mr. Berger then informed and invited Board members to a City Council Study Session on Monday, September 18th where information will be presented about a proposal recommended by the consultants assisting City Staff in rewriting the Zoning Ordinance. He said the Study Session will focus on a recommendation to create a new 9 member Planning and Zoning Commission that would consider zoning cases and other matters currently handled separately by the Board of Zoning Appeals and the Planning Commission. He said the new Commission will not make final decisions, but only make recommendations to the City Council.

Several Board members expressed concerns over the proposed changes to the Zoning Ordinance.

Adjournment:

Chairman Snyder adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Ryan Berger, Planning and Redevelopment Administrator