

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

**Regular Meeting**

**7:00 p.m.**

**January 12, 2011**

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

Staff Present: Alan Carmen, 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 December 8, 2010 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 #2011-01 - Request from Ron Taber for a variance of six feet of the eight-foot side yard setback requirement in an R-2 (one family residence) district at 3615 14<sup>th</sup> Street.**

Mr. Fries presented the staff report. He explained that the Zoning requires an eight-foot side yard setback requirement for additions onto a principal structure (Section 15.5). The applicant proposes to construct an attached garage addition (28' x 32') in the south side yard.

The applicant will remove the existing two-car detached garage that he believes was constructed in 1924 and is now in need of repair. The proposed three-car attached garage will be located at approximately the same distance from the south property line (two feet), but will now be attached to the house addition that was granted a separation variance in 1991. The one-story garage addition will match the exterior wall materials on the south side of the residence.

The property is located to the south of a Local Landmark located at 3601 14<sup>th</sup> Street. The Preservation Ordinance allows the Preservation Commission to comment to the Board regarding requests within the district to determine impact on local landmark structures. Comments from Preservation Commission members received by staff have unanimously stated that the request will not have a negative impact on the adjacent Local Landmark.

Chairman Snyder called for proponents.

Ron Taber, 3615 14<sup>th</sup> Street, was sworn in. He said that he has done considerable work on the home through the years and now is the time to replace the old detached garage on the property because of its condition. He said the proposed garage will be larger to accommodate his larger vehicles and will also have three bays rather than two. He said that the proposed garage will be attached to a new kitchen

area and will be two feet from the south property line, which is approximately the same distance as the existing detached garage. He said that he has talked to his neighbors and they have no objections.

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

**Decision Case #2011-01** – Mr. Tschappat made a motion to approve the request because:

1. The proposed addition will improve the return on the property.
2. The rear yard slopes down into a ravine area.
3. The proposed addition will not alter the character of the neighborhood.

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

**Public Hearing #2011- 02** – **Request from El Patron Restaurant for a special exception to allow a temporary outdoor advertising sign and variances from the separation requirement and setback requirement for outdoor advertising signs in a B-3 (community business) district at 2000 4<sup>th</sup> Avenue.**

The applicant was not present, so Chairman Snyder asked for a motion to defer consideration until the February 2001 regular meeting.

Mr. Wild made a motion to defer public hearing 2011-02 until the February regular meeting because the applicant was not present.

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

Just after the Board voted to defer the request, the applicant arrived at the meeting.

Chairman Snyder called for a motion to reconvene the meeting.

Mr. Tschappat made a motion to reconvene the meeting.

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

Mr. Wild made a motion to re-open public hearing 2011-02.

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

Mr. Fries presented the staff report. He explained that the Sign Ordinance requires that freestanding outdoor advertising signs be authorized by the Board, have a maximum front yard setback of 25 feet and be separated from other outdoor advertising signs by 1,000 feet (Section 6 [a] [4]). The applicant proposes to maintain a temporary outdoor advertising sign (4' x 10') in the north and west front yards.

City staff received concerns regarding the sign from City Council members Jason Jones (5<sup>th</sup> Ward) and Joy Murphy (6<sup>th</sup> Ward). The subject property is located in the 5<sup>th</sup> Ward. Staff contacted the operators of the Los Amigos Vehicle Repair Business and explained the violations on the property. The business operators of Los Amigos contacted their cousins who operate El Patron Restaurant at 1806 2<sup>nd</sup> Avenue

about the situation and they paid the fee to file the application to the Board to consider the request for authorization and variances.

The applicant located the temporary outdoor advertising freestanding sign on the subject property to advertise the restaurant since it is located on the Downtown Plaza and does not have any “drive-by” traffic. According to the Sign Ordinance the subject sign is defined as an outdoor advertising sign since it would “direct attention to a business, product, service or activity not necessarily intended to be sold or offered upon the premises where such sign is located”. The subject sign is also defined as a “temporary sign”; since it is not affixed to the ground (sign pole is located in a metal barrel that has concrete poured in to secure it).

The Sign Ordinance also regulates the location and separation standard between outdoor advertising signs. In the B-3 zoning district an outdoor advertising sign must be authorized by the Board and be separated by 1,000 feet from any existing outdoor advertising sign. Currently, there is an outdoor advertising sign within 270 feet of the proposed location of the sign on the subject property (an existing outdoor advertising sign is located in the undeveloped area on 2027 4<sup>th</sup> Avenue and is visible on attached aerial). There is also a 25-foot front yard setback requirement, which since this is a corner lot would be from the north and west property lines.

Staff believes that allowing the sign to be used to advertise another business does not meet the standards for separation between outdoor advertising signs and will add to the proliferation of signs along the corridor. Outdoor advertising sign area is not figured in the total sign area allowance on a property, so variances like the one requested could allow for significantly more signs on the commercial property than allowed for on-premise signs. This would add to the visual clutter of increased signs along corridors here and in other commercial areas.

The Downtown Design Guidelines identifies a prohibition of any new outdoor advertising signs within “The District”. These Guidelines were adopted by the Rock Island Preservation Commission and Renaissance Rock Island “to help property owners understand the importance of design considerations and to raise expectations of good design”. The Guidelines are only binding for certain City and/or Federal programs, but provide good design direction for the enhancement of all The District and downtown area.

Chairman Snyder called for proponents.

Bogar Gonzalez, 733 23<sup>rd</sup> Street in East Moline, was sworn in. He said that he did not enough finances to construct a nice sign, but asked for two months to come up with enough money to erect a nice new sign on the property. He said the sign is very important for his restaurant business because he does not have drive-by traffic there because it is located on the Great River Plaza. He submitted a petition with 39 signatures of customers of the restaurant in support of the request.

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

**Decision Case #2011-02** – Ms. Williams made a motion to deny the request because:

1. The property can yield a reasonable return without the variance.
2. There is no unique circumstance to approve the request.

3. The existing outdoor advertising sign has altered the character of the neighborhood.

She added the stipulation that the applicant be given three months to remove the sign from the subject property.

Mr. Tschappat seconded the motion.

Mr. McAdam said that he would only be in favor of allowing a 30-day time period of requiring the sign to be removed because the sign is large and there are several violations from Sign Ordinance regulations.

Mr. Wild said that he would like the sign to come down tomorrow.

Mr. Tschappat agreed, and added that leaving it up longer sends a bad message to the community.

Chairman Snyder said he would be in favor of requiring a middle ground time period because El Patron Restaurant is a new business that is trying to get more advertising. He added that there may have been a language barrier for the applicant understanding all of the sign regulations in the Sign Ordinance.

Ms. Williams amended her motion by changing the time period required for removing the sign to 30 days rather than three months.

Ms. Jalloh seconded the motion.

Mr. McAdam agreed that three months is too long a time period, but that 30 days sends a message of compassion by the City to give the applicant adequate time to remove the sign.

Chairman Snyder called for a vote on the amended motion to deny the request and allow 30 days to remove the violating existing sign and it passed with Ms. Williams, Mr. McAdam, Ms. Jalloh and Chairman Snyder voting aye and Mr. Wild and Mr. Tschappat voting nay.

Chairman Snyder adjourned the meeting at 7:47 p.m.

Respectfully Submitted,

Alan M. Carmen, Secretary  
Rock Island Board of Zoning Appeals