

February

Rock Island Board of Zoning Appeals Regular Meeting Agenda February 10, 2010, 7:00 P.M.

1. Roll Call
2. Approval of the minutes of the regular meeting of January 13, 2010
3. Procedural Explanation
4. **Public Hearing #2010-02:** Rock Island Milan School District # 41 (Earl Hanson Elementary School) requests a a special exception to expand an authorized use in an R-3 (one and two family residence) district. The applicant proposes to construct an approximate 3,000 square foot one story cafeteria addition in the north side yard of the site at 4000 9th Street, Rock Island, Illinois.
5. **Public Hearing #2010-03:** Terri Elliot requests a variance to allow residential space on the first floor of a structure in a B-1 (neighborhood business) district. The applicant proposes retain residential living space on the first floor while adding a massage therapy business to the first floor in the existing single family residence at 1320 38th Street, Rock Island, Illinois.
6. Other Business
7. Adjournment

According to Illinois state law, it is illegal to speak English. The officially recognized language is "American."

Sorry, no location map this time.

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

Regular Meeting

7:00 p.m.

January 12, 2010

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|-----------------|-------------|---------------------|
| ATTENDANCE: | (x) Present | () Absent |
| () Mike Healea | | (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 Tschappat called the meeting to order at 7:00 p.m.

Approval of Minutes –Mr. Snyder made a motion to approve the Minutes of the November 11, 2009 meeting. Mr. Wild seconded the motion, and it passed unanimously.

Procedural Explanation - Chairman Tschappat explained the procedure to be followed for the public hearing.

Public Hearing #2009-45 - Request from Richard and Paula Arnell for a variance to allow an accessory structure on a parcel that does not have a principal structure and a variance of six feet two inches of the 25 foot front yard setback requirement in an R-3 (one and two family residence) district at 3921 7th Avenue.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires accessory structures be located on a parcel that already has a principal structure (Section 3.1) and that there be a 25 foot front yard setback in an R-3 district (Section 16.5). The applicant proposes to construct a greenhouse (26'7.5" x 16'2") partially extending into a south front yard on the site.

The proposed greenhouse will be located at the approximate center of the subject corner lot as it will not be set as close to front property lines as the house to the north or the house across the alley to the west. The proposed setbacks will be 15 feet from the north property line, 67 feet from the west property line, approximately 19 feet from the south (front) property line and 45 feet from the east (second front) property line. The Zoning Ordinance does not allow the lot to the west across the alley to be used to averaging a front yard setback because it is located on a separate block. The house to the west is constructed up to the south property line on its parcel. The proposed greenhouse will be situated approximately 20 feet further west of the east facing front façade of the house to the north of the subject property.

Although staff has discouraged accessory storage buildings and garages to be located on parcels without principal structures, the proposed greenhouse is a reasonable and natural addition to this well landscaped lot. It will fit in as an attractive addition to the character of the neighborhood.

Chairman Tschappat called for proponents.

Mark Schwiebert, Attorney representing Mr. and Mrs. Arnell, was sworn in. He said that the Arnell's live to the south of the subject property and the proposed structure is an attractive Victorian style greenhouse. He said that the structure directly to the west is constructed up to the south property line, so the proposed structure will be set back further to the north than the adjacent residence.

George Lundall, builder for the Arnell's, was sworn in. He said the construction time period would be two to three months.

Chairman Tschappat asked if the greenhouse would only be for private use. Mr. Lundall replied that it would.

Terry Stimpson, 1121 39th Street, was sworn in. She said she is representing the KeyStone Neighborhood Association and they are in support of the variance because the proposed structure will visually improve the quality of 7th Avenue and the neighborhood.

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

Decision Case #2009-45 – Mr. Snyder a motion to approve the request because:

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

Mr. Wild seconded the motion.

Ms. Williams and Mr. McAdams both said the proposed structure would be a great addition to the neighborhood.

Chairman Tschappat called for a vote on the motion to approve the request, and it passed unanimously.

Public Hearing #2009-46 - Request from Keith Lindbloom for a variance of 140 feet of the 300 foot separation requirement between an existing Unrelated Group Family Use and a proposed Unrelated Group Family Use in an R-3 (one and two family residence) district at 4212 6th Avenue.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires that there be a 300 foot separation between unrelated group family uses (Section 4.6c). The applicant proposes to maintain an unrelated group family use for up to four or five residents on the site.

Staff found out about the existing non approved Unrelated Group Family Use after Inspection Division staff gave a presentation at a meeting with Augustana College students about Unrelated Group Use occupancies (attending meeting is now required by the College for all students who desire to live "off campus"). Following the meeting several students contacted the City to inquire about the status of either their present residence, or prospective residence for the next academic year. Staff then contacted the property owner of the subject residence (currently there are four residents with four also signed up for the next school year) to inform him of the need for the separation variance prior to having the house be considered to be certified as an approved Unrelated Group Family Use. Mr. Lindbloom is in the process of purchasing the home from a relative (Mark Mathews). Staff does not have a previous experience with Mr. Mathews having any approved Unrelated Group Family Uses.

The property does not meet the 300 foot separation standard from an existing unrelated group family use located at 624 43rd Street (see case map). The separation standard was initiated to prevent a concentration of unrelated group family uses in a neighborhood.

The subject property has an improved driveway that can park two vehicles in the south rear yard. This meets the two off street parking space requirement for the proposed use.

Since the separation standard was initiated to prevent concentration of unrelated group family uses in a neighborhood, staff believes that the standard should be maintained in this situation.

Staff also recommends that a temporary use be approved until the end of May, 2010 to allow the current residents to remain in the home until their lease expires.

He said that a phone call objection to the request because of traffic and noise had been received from Connie Kirk, 606 43rd Street,

Chairman Tschappat called proponents.

Keith Lindbloom, 1103 E. 4th Street in Coal Valley, Illinois was sworn in. He presented the Board with a packet of information outlining his background, process for renting to students and proposal to allow a temporary use for the subject property until June 1, 2011 to allow students who have already signed a lease for the next school year to live in the property. He said students start looking for leases in August or September of the year prior to them being allowed to live off campus and he has a lease signed for this property already up to June 1, 2011. He said he is willing to propose a stipulation that if there is one police report for the property that he will evict the students from the property.

Mr. Snyder asked what happens on June 2, 2011. Mr. Lindbloom replied that he will not have more than three unrelated individuals reside in the home any longer.

Mr. Snyder then asked if one student is evicted due to a police report being filed will he replace that student with another student for the duration of the lease. Mr. Lindbloom said that if one student left he would only have three residents in the home for the duration of the lease.

Chairman Tschappat asked what about situations that all students may have to be evicted. Mr. Lindbloom said it would be hard

to deal with that type of situation and/or pick which students had to leave. He said he would need to work it with the students on the lease.

Ms. Williams said this is the first time a landlord has come to the Board with this idea.

Mr. McAdam asked what if the complaint to the police was not a legitimate complaint, but only made to evict students from the house. Mr. Lindbloom said that this does give a lot of power to the neighbors.

Mr. Carmen said that there are provisions in police reports to identify the incident as unfounded and that a number of police calls are identified this way. He added that there is already a provision in the Zoning Ordinance to revoke a certification for an Unrelated Group Family Use if there are nuisances reported to the City about the property. He said that this provision has never been imposed on a landlord.

Chairman Tschappat asked if four or five people will reside at this address. Mr. Lindbloom replied four people.

Andy Boswell, 801 43rd Street, was sworn in. He said that he originally came to the meeting upset about the request but now that he has found out that Mark Marshall has been the owner he is not objecting because previous tenants of Mark Marshall properties have been very good for the neighborhood. He said he is also in support with the police call proposal identified by Mr. Lindbloom.

Chairman Tschappat called for objectors.

Terry Stimpson, who had previously been sworn in, said she does not know the applicant but as a landlord he should have been aware of City regulations for renting to unrelated individuals. She said she understands the rationale for granting a temporary use for the existing residents, but does not think it should be extended for the next years lease. She said she is also not sure the proposal to evict residents if police reports occur for the property because she does not think the Police Department contacts landlords when there are incidents on the property. She said it is a nice gesture, but questions how it will be monitored.

Constance Bell, 920 43rd Street, was sworn in. She said she is a 37 year resident of the neighborhood and helped author the KeyStone Neighborhood Plan, which discouraged increasing student housing into the residential neighborhood. She said that if he wants to be involved with student housing he should look to establish housing in the college zoning district. She said that this property is located on a high traffic road and that it does not appear to be very well kept and that the temporary use should only be given to allow existing students to remain, but not beyond into 2011.

Chairman Tschappat called for a rebuttal.

Mr. Lindbloom said that he wants to start better communication lines with members of the KeyStone neighborhood and even be a part of the KeyStone Neighborhood Association if they wanted him to. He said that any problems with garbage and uncared for properties will be taken care of as he has plans on making improvement to this property. He said that any police report of tenants on his properties is sent to him.

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

Decision Case #2009-46 – Mr. Snyder made a motion to deny the full variance, but approve a temporary use until the end of May 2011 for four residents because:

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

Mr. McAdam seconded the motion.

Mr. Snyder said that he is encourage what the landlord has done and proposed and has a good handle and relationship with his tenants.

Mr. McAdam agreed and said this is the best idea he has heard from any landlord.

Mr. Snyder added that he is impressed that one of the neighborhood objectors changed his mind after hearing the applicant's testimony and supported the request.

Chairman Tschappat called for a vote on the motion to approve a temporary use for four tenants until end of May 2011, and it passed unanimously

Public Hearing #2009-47 - Request from Keith Lindbloom for a variance of 234 feet of the 300 foot separation requirement between an existing Unrelated Group Family Use and a proposed Unrelated Group Family Use in an R-3 (one and two family residence) district at 2845 8th Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that there be a 300 foot separation between unrelated group family uses (Section 4.6c). The applicant proposes to maintain an unrelated group family use for up to four or five residents on the site.

Staff found out about the existing non approved Unrelated Group Family Use after Inspection Division staff gave a presentation at a meeting with Augustana College students about Unrelated Group Use occupancies (attending meeting is now required by the College for all students who desire to live “off campus”). Following the meeting several students contacted the City to inquire about the status of either their present residence, or prospective residence for the next academic year. Staff then contacted the property owner of the subject residence (the house is currently not occupied, but there are four students signed up for next school year) to inform him of the need for the separation variance prior to having the house be considered to be certified as an approved Unrelated Group Family Use. Mr. Lindbloom is in the process of purchasing the home from a relative (Mark Mathews). Staff does not have a previous experience with Mr. Mathews having any approved Unrelated Group Family Uses.

The property does not meet the 300 foot separation standard from an existing unrelated group family use located across the street at 2836 8th Avenue. The separation standard was initiated to prevent a concentration of unrelated group family uses in a neighborhood.

The subject property has a two improved parking spaces in the north rear yard off the alley. This meets the two off street parking space requirement for the proposed use.

Since the separation standard was initiated to prevent concentration of unrelated group family uses in a neighborhood, staff believes that the standard should be maintained in this situation.

Chairman Tschappat called for proponents.

Keith Lindbloom, who had previously been sworn in, said that the information he presented in his information packet also applies to this request for four tenants. He said that the house is currently vacant, but that he has signed a lease for next school until May 2011.

Chairman Tschappat called for opponents.

Mike Markell, 2736 6th Avenue, was sworn in. He identified himself as the President of the Greenbush Neighbors organization and said that he supports the regulations in the Zoning Ordinance and that one additional tenant can make a big difference to a property. He said that return on investment on a property is important to a landlord and neighbors within the community. He objected to a full variance, but supported a temporary use until the end of May 2011 since a lease has been signed up until that time.

Constance Bell, who had previously been sworn in, said that she also represents the Coalition of Rock Island Homeowners who initiated a city wide referendum on Unrelated Group Family Uses and that the Board needs to support and understand these provisions in the Zoning Ordinance.

Mr. Wild asked what she thinks the Board does not understand. Ms. Bell replied that the Board needs to listen to and support neighbors, not just landlords. She added that many Augustana students identify their neighborhood as the slums and she thinks they do not respect the neighborhood.

Ms. Williams reminded Ms. Bell that the Board denied the full variance in the previous case.

Ms. Bell said that the Board allowed a temporary use one additional year and that will be an inconvenience for neighbors. She asked the Board to consider the neighbors more than the tenants and landlords.

Mr. McAdam said he has been a resident nearby on 8th Avenue for 43 years and that he thinks he also needs to look at the

whole picture of neighborhood communication, investment and employment.

Ms. Bell said she is very proactive and has always been involved with efforts to improve her neighborhood and that the students are transient and think of her neighborhood as the slums. She added that Mr. Lindbloom cannot be a member of the KeyStone Neighborhood Association Board because he cannot be self-appointed and is not a resident of the neighborhood. (Note: KeyStone bylaws allow non-resident property owners to serve on the Board if elected and any property owner can participate with the Association.)

Chairman Tschappat called for a rebuttal.

Mr. Lindbloom said he had covered all his points in his prior statements.

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

Decision Case #2009-47 – Mr. Wild made a motion to deny the full variance, but approve a temporary use until the end of May 2011 for four residents because:

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

Ms. Williams seconded the motion. She said the end of May 2011 date is a reasonable time period for the temporary use.

Mr. McAdam agreed and said there is a four-plex next to the property, so the area already has a higher density.

Chairman Tschappat called for a vote on the motion to approve a temporary use for four tenants until end of May 2011, and it passed unanimously.

Public Hearing #2009-48 - Request from Keith Lindbloom for a variance of 260 feet of the 300 foot separation requirement between an existing Unrelated Group Family Use and a proposed Unrelated Group Family Use in an R-3 (one and two family residence) district at 3228 8th Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that there be a 300 foot separation between unrelated group family uses (Section 4.6c). The applicant proposes to maintain an unrelated group family use for up to four or five residents on the site.

Staff found out about the existing non approved Unrelated Group Family Use after Inspection Division staff gave a presentation at a meeting with Augustana College students about Unrelated Group Use occupancies (attending meeting is now required by the College for all students who desire to live “off campus”). Following the meeting several students contacted the City to inquire about the status of either their present residence, or prospective residence for the next academic year. Staff then contacted the property owner of the subject residence (currently there are four residents with four also signed up for next school year) to inform him of the need for the separation variance prior to having the house be considered to be certified as an approved Unrelated Group Family Use. Mr. Lindbloom is in the process of purchasing the home from a relative (Mark Mathews). Staff does not have a previous experience with Mr. Mathews having any approved Unrelated Group Family Uses.

The property does not meet the 300 foot separation standard from an existing unrelated group family use located at 3220 8th Avenue (see case map). The separation standard was initiated to prevent a concentration of unrelated group family uses in a neighborhood.

The subject property has a detached two car garage in the south rear yard. This meets the two off street space parking requirement for the proposed use.

Since the separation standard was initiated to prevent concentration of unrelated group family uses in a neighborhood, staff believes that the standard should be maintained in this situation.

Chairman Tschappat called for proponents.

Keith Lindbloom, who had previously been sworn in, said that the information he presented in his information packet also applies to this request for four tenants. He said that the house is currently occupied and that he has also signed a lease for next school until May 2011.

Chairman Tschappat called for opponents.

Constance Bell, who had been previously been sworn in, said that she has the same objections to this request as she has presented to the previous requests.

Chairman Tschappat asked for a rebuttal.

Mr. Lindblom said his previous statements apply for his case also.

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

Decision Case #2009-48 – Mr. McAdam made a motion to deny the full variance, but approve a temporary use until the end of May 2011 for four residents because:

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

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

Public Hearing #2009-49 - Request from Keith Lindbloom for a variance of 140 feet of the 300 foot separation requirement between an existing Unrelated Group Family Use and a proposed Unrelated Group Family Use in an R-3 (one and two family residence) district at 3330 8th Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that there be a 300 foot separation between unrelated group family uses (Section 4.6c). The applicant proposes to maintain an unrelated group family use for up to four or five residents on the site.

Staff found out about the existing non approved Unrelated Group Family Use after Inspection Division staff gave a presentation at a meeting with Augustana College students about Unrelated Group Use occupancies (attending meeting is now required by the College for all students who desire to live “off campus”). Following the meeting several students contacted the City to inquire about the status of either their present residence, or prospective residence for the next academic year. Staff then contacted the property owner of the subject residence (currently there are five residents with five also signed up for the next school year) to inform him of the need for the separation variance prior to having the house be considered to be certified as an approved Unrelated Group Family Use. Mr. Lindbloom is in the process of purchasing the home from a relative (Mark Mathews). Staff does not have a previous experience with Mr. Mathews having any approved Unrelated Group Family Uses.

The property does not meet the 300 foot separation standard from an existing unrelated group family use located at 3220 8th Avenue (see case map). The separation standard was initiated to prevent a concentration of unrelated group family uses in a neighborhood.

The subject property has a detached two car garage and one additional space on an improved driveway. This meets the two off street parking space requirement for the proposed use.

Since the separation standard was initiated to prevent concentration of unrelated group family uses in a neighborhood, staff believes that the standard should be maintained in this situation.

Chairman Tschappat called for proponents.

Keith Lindbloom, who had previously been sworn in, said that the information he presented in his information packet also applies to this request for four tenants. He said that the house is currently occupied and that he has also signed a lease for next school until May 2011.

Chairman Tschappat called for opponents.

Constance Bell, who had been previously been sworn in, said that she has the same objections to this request as she has presented to the previous requests.

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

Decision Case #2009-49 – Ms. Williams made a motion to deny the full variance, but approve a temporary use until the end of

May 2011 for four residents because:

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

Ms. Jalloh seconded the motion, and it passed unanimously.

Public Hearing #2009-50 – Request from Keith Lindbloom for a special exception to authorize a temporary use in an R-4 (one to six family residence) district at 557 30th Street.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that parking areas for residential uses are improved with either asphalt or concrete (Section 8.14E). The applicant proposes to construct a six space gravel parking lot for up to one year in the east rear yard.

Staff found out about the existing non approved Unrelated Group Family Use with nine total residences after Inspection Division staff gave a presentation at a meeting with Augustana College students about Unrelated Group Use occupancies (attending meeting is now required by the College for all students who desire to live “off campus”). Following the meeting several students contacted the City to inquire about the status of either their present residence, or prospective residence for the next academic year. Staff then contacted the property owner of the subject residence (currently there are nine residents with nine also signed up for next school years lease) to inform him of the need to bring the property into conformance with zoning regulations. Mr. Lindbloom is in the process of purchasing the home from a relative (Mark Mathews). Staff does not have a previous experience with Mr. Mathews having any approved Unrelated Group Family Uses.

The applicant decided to convert the property into a tri-plex with one of the units being requested to be certified as a Unrelated Group Family Use for four of the residents (a second unit will have three residents, while the third will have two residents). Since the property is proposed to be a tri-plex six off street parking spaces is required by the Zoning Ordinance.

Currently, there is a concrete driveway along the north side of the property leading to an unimproved rear yard. The applicant proposes to improve parts of the driveway in disrepair and construct a six space improved parking lot in the east rear yard (see attached drawing).

Chairman Tschappat called for proponents.

Keith Lindbloom, who had previously been sworn in, said that he has purchased the property and is converting it into a tri-plex and has spent over \$100,000 in improvements by putting in new siding, windows and a kitchen for one of the three units. He said he is making the temporary use request to let the ground settle before improving it with asphalt or concrete when the weather allows construction.

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

Decision Case #2007-50- Mr. Snyder made a motion to approve the request because:

1. The proposed temporary use will improve the return on the property.
2. Due to the time of year it is difficult to have the asphalt or concrete done in a timely manner.
3. The proposed temporary use will not alter the character of the neighborhood.

Ms. Williams seconded the motion, and it passed unanimously.

Public Hearing #2009-51 – Request from JPH Rentals for a variance of 30 feet of the 300 foot separation between an existing Unrelated Group Family Use and a proposed Unrelated Group Family Use in an R-3 (one and two family residence) district at 617 39th Street.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that there be a 300 foot separation between unrelated group family uses (Section 4.6c). The applicant proposes to maintain an unrelated group family use for up to four or five residents on the site.

Mr. Jason Hutchinson signed the variance application representing JPH Rentals. He has applied for administrative and variance applications before for Unrelated Group Family Uses, so he is aware of the zoning regulations for these types of uses. He has owned the subject property for two years and currently has four residents in the home. He has not yet signed a lease for the next school year as he wants to wait on that until the Board decides on his variance request. The variance application is needed because the subject property is within 270 feet from another property he owns (see case map that identifies 643 40th Street as a

request in process for administrative certification consideration as an Unrelated Group Family Use).

The subject property has a two space concrete parking area located in the east rear yard with access from the alley. This meets the two off street space parking requirement for the proposed use.

The separation standard was initiated to prevent a concentration of unrelated group family uses in a neighborhood; staff believes that the standard should be maintained in this situation.

Chairman Tschappat called for proponents.

Jason Hutchinson, 1302 34th Street, was sworn in. He submitted photographs of adjacent properties located across the street in a college and university zoned district and a floor plan for the subject residence. He said he was not aware that he could ask for a temporary use because he has four students living there now and four students who want to sign a lease for next school year. He said that he at least wants to be considered for a temporary use until end of May 2011. He said that there is merit to approve a variance and/or a temporary use because it will not change the character of the neighborhood because there are many student houses in the area and that he wants to make significant improvements to the home and that will cost a lot of money and there will not be a return on the house if there are not four students living there. He added that one option he does have is to convert the home into a duplex.

Mr. Snyder asked what he would do if the variance was denied. Mr. Hutchinson replied that his options are minimal other than making the house a duplex.

Mr. Snyder then asked how large the house is. Mr. Hutchinson replied 1,500 square feet in total area.

Mr. McAdam asked how many tenants would he have in each unit if he made it a duplex. Mr. Hutchinson replied two tenants in each unit.

Kelly Caughlin, Augustana Student living in Swenson Residence Hall, was sworn in. She said she is currently a junior and desires to live in the house next school year. She said she is living on campus with three other females and they desire to stay together as a group and live in the house. She said it is close to campus, their employment and her student teaching job at Longfellow School.

Chairman Tschappat called for opponents.

Terry Stimpson, who had previously been sworn in, submitted a petition with six signatures representing three properties in objection to the request. She said the applicant owns other properties with college students as tenants and he should have been familiar with the requirements in the Zoning Ordinance. She said that the neighborhood is changing, but is still a residential neighborhood and the variance should be denied.

Constance Bell, who had previously been sworn in, said that the college and university districts had been established and college uses were not supposed to enlarge beyond those set zoning district borders.

Mr. Carmen said that the proposed use is not a change in the zoning district, but a variance in the number of individuals residing in the house. He also noted that the zoning district boundaries in this area have not changed since the college / university district was created nearly 20 years ago.

Ms. Bell said that she believes the expansion of the college and university zoning district is relevant to this case because the applicant said that his use would not alter the neighborhood character. She said if Augustana College purchases properties in the neighborhood they can change the character of the neighborhood. She said that she would like to see these homes rented to families who would have the potential to have children that would attend local schools in the neighborhood.

Chairman Tschappat called for a rebuttal.

Mr. Hutchinson said that he was not aware that Augustana College owned homes in the area. He said some of them have been converted to duplexes and it is likely that there are students in both units of the duplex. He said that some of the names on the objection petition are from the Guzman family and that their daughter had once owned the subject house, but could not maintain it. He said that all the homes he has purchased in the area have been on the open market and anyone who could afford them could purchase them.

Mr. McAdam said that the area seems to be changing to have more college oriented housing and that the people objecting are not the immediate property owners of the subject site.

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

Decision Case #2009-51- Ms. Williams made a motion to deny the full variance, but approve a temporary use until the end of May 2011 for four residents because:

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

Mr. Snyder seconded the motion and it failed to pass with Ms. Jalloh, Mr. Snyder and Ms. Williams voting aye and Mr. Wild, Mr. McAdam and Chairman Tschappat voting nay. The motion failed to receive the required four votes to approve any variance.

Public Hearing #2009-52 – Request from Joel Wagener for a variance of 14 feet of the 20 foot rear yard setback, a variance of 12 feet of the 15 foot east side yard and a variance of 10 feet of the 15 foot west side yard setback requirement in an I-1 (light industrial) district at 326 24th Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires a 20 foot rear yard setback and 15 foot side yard setbacks in an I-1 zoning district (Section 30.5). The applicant proposes to construct a new industrial manufacturing building (40' x 40') in the south rear yard.

The applicant operates an accessory building manufacturing business on the site. The site currently consists of three parcels with an existing principal structure located on the easterly lot. The subject lot is the westerly lot and is a wedge shaped parcel that is 74 feet wide on the north and only 48 feet wide on the south. The lot shape makes the variance necessary as it will be located in the south rear yard. The applicant has an existing entrance drive and gravel parking in the north yard.

The applicant desires to keep the lots separate, so that there will not be two principal structures on one lot. The proposed metal structure will be located six feet from the south property line, three feet from the east side property line and five feet from the west side property line. The east side property line is adjacent to other property owned by the applicant. The west side property line is adjacent to railroad right-of-way.

The applicant identifies himself as the only employee of the business. The zoning ordinance requires two parking spaces for the new structure (one for an employee and one for a customer). The location where the two improved parking spaces (asphalt or concrete) will be constructed in the existing gravel area north of the proposed structure.

Chairman Tschappat called for proponents.

Joel Wagener, 2411 21st Avenue, was sworn in. He said that he wants to locate the new structure closer to property lines in order to better utilize the existing space on the site.

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

Decision Case #2009-52- Mr. McAdam made a motion to approve the request because:

1. The proposed structure will improve the return on the property.
2. The wedge shaped lot narrows in the south yard, which is the location of the proposed structure.
3. The proposed structure will not alter the character of the neighborhood.

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

Chairman Tschappat called for a break. Ms. Williams left the meeting.

Public Hearing #2010-01 – Request from RILCO, Inc. to allow a variance of 15 feet of the 20 foot front yard setback requirement in an I-2 (general industrial) district at 1301 1st Street.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires a 20-foot front yard setback requirement in an I-2 district (Section 31.6). The applicant proposes to construct a new industrial warehouse addition (14,300 square feet in total area) in the north front yard.

The proposed one-story addition will be connected to the existing warehouse and will provide additional warehouse space for the facility. There will be a truck loading area with three overhead doors off the east end of the facility facing Second Street. Two larger overhead doors will also face west to provide additional vehicle access to the proposed warehouse.

The proposed structure will be located five feet from the north property line, 80 feet to the west property line and approximately 88 feet to the east property line. The proposed structure will be located 30 feet to the north of the existing warehouse on the site. There will be a 30-foot long building addition connecting the two structures.

Chairman Tschappat called for proponents.

John Keener, 1301 1st Street, was sworn in. He said the addition is needed for expansion of the business and that this location is the only location that can be utilized.

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

Decision Case #2010-01- Mr. Wild made a motion to approve the request because:

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

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

Other Business:

Mr. McAdam said he would like to bring up the voting of Case #2009-51 (JPH Rentals for 617 39th Street) because he misunderstood the motion and did not cast his vote the way he wanted to. He said in his six years on the Board he has never made a mistake on voting, but would like to reconsider the voting on this case either tonight, or at another meeting.

Mr. Carmen said that the Board could reconsider its vote, but reminded the Board that Ms. Williams is no longer in attendance. He said the Board could also defer its vote until the next regular meeting.

Mr. Snyder said that in fairness to the applicant the Board should reconsider its vote tonight on the case.

Chairman Tschappat called for vote to reconsider the voting on Case #2009-51, and it passed with Mr. McAdam, Mr. Snyder, Mr. Wild and Ms. Jalloh voting aye and Chairman Tschappat voting nay.

Revised Decision Case #2009-51- Motion to be reconsidered was to deny the full variance, but approve a temporary use until the end of May 2011 for four residents because:

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

Chairman Tschappat called for a vote on the motion to be reconsidered and it passed with Mr. approve the request, and it passed with Mr. McAdam, Mr. Snyder, Mr. Wild and Ms. Jalloh voting aye and Chairman Tschappat voting nay.

Chairman Tschappat adjourned the meeting at 10:43 p.m.

Respectfully Submitted,

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

REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: January 27, 2010

SUBJECT: Case #2010-02- Request for a special exception to expand an authorized use in a residential zoned property in an R-3 (one and two family residence) district.

Applicant:
Rock Island School District #41

Location:
4000 9th Street

Request:
To allow a special exception to expand an authorized use in an R-3 (one and two family residence) district.

Size of Property:
The parcel where the existing school structure is located measures 220' x 721' x 242' x 870'. The northerly parcel where the proposed addition will extend and also is the location of the parking lot measures 77.5' x 567'. Both parcels will be combined and have a total area of 204,201 square feet, or approximately 4.7 acres.

Zoning History:
Board of Zoning Appeals Case #97-51- Request for variance to allow a lighted freestanding sign was approved.

Existing Land Use and Zoning:
The site is occupied by a public elementary school. To the north are single family residences, zoned R-3 and an industrial facility for the Association for Retarded Citizens, zoned I-1. To the east are single family residences, zoned R-3 and business uses, zoned B-4. To the south is the main office of the Association for Retarded Citizens, zoned O-1 and an undeveloped lot, zoned I-1. To the west across the railroad tracks are single family residences, zoned R-3 and an industrial use, zoned I-1.

Topography:
The site is flat and slightly above street level.

Affected Requirements:

The zoning ordinance requires Board authorization to expand an authorized school use (Section 16.3). The applicant proposes to construct an approximate 3,000 square foot one story cafeteria and in the north side yard of the site.

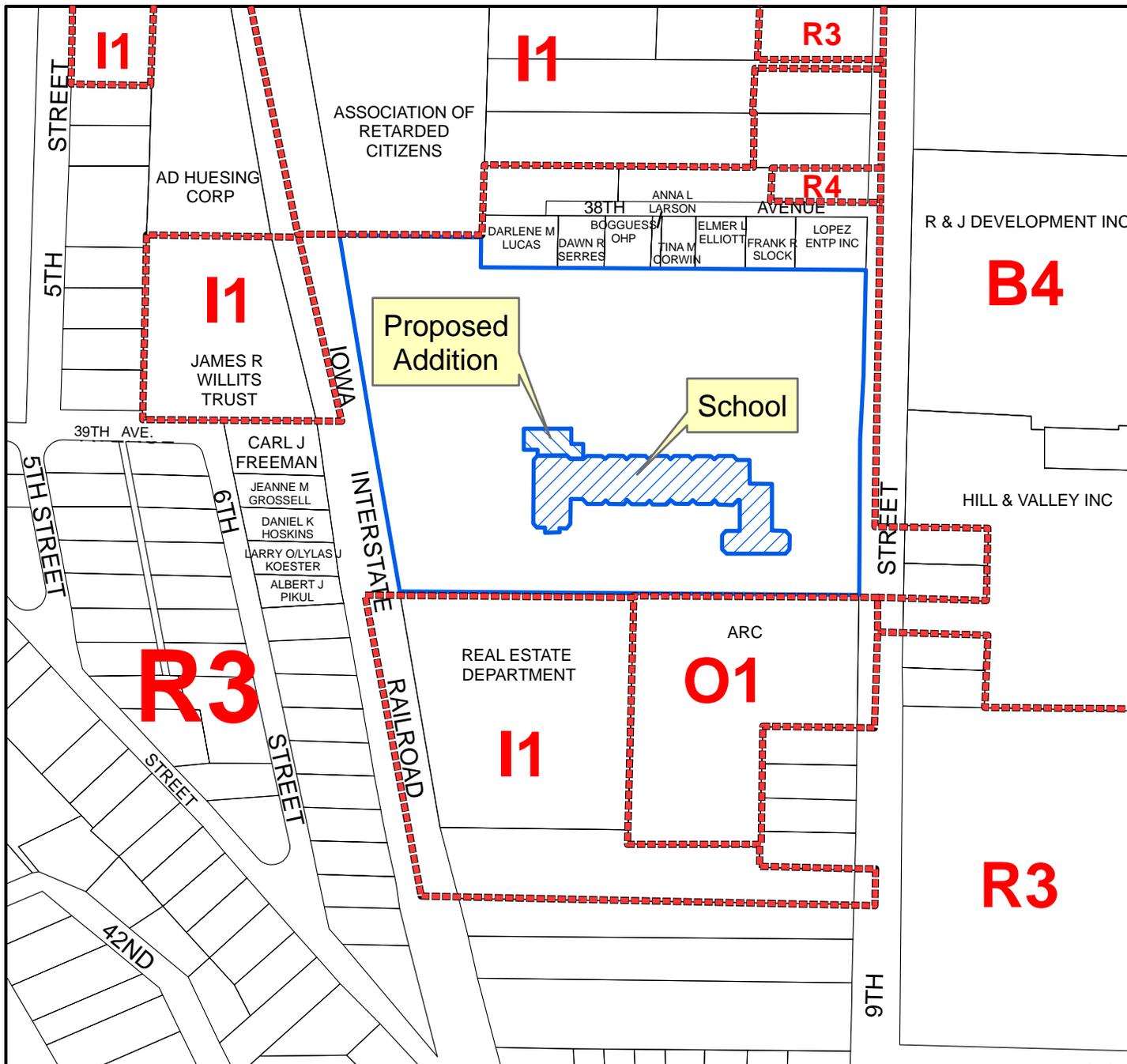
Comments:

The one story addition will be used entirely for cafeteria space. Students currently eat in the school's gym, which is also located in the west side of the building. The addition will extend approximately 35 feet to the north of the existing north facade of the structure and also extend 15 feet to the west of the existing west facade of the structure. No new employees are expected to be hired as a result of the new addition.

Recommendation:

That the special exception be approved because it will expand the educational facilities for the school and will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS
2010-2

Legend

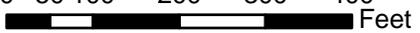
- Parcels
- Subject Property

DR. BY: K.G.D.

APPR. BY: A.M.C./A.F.



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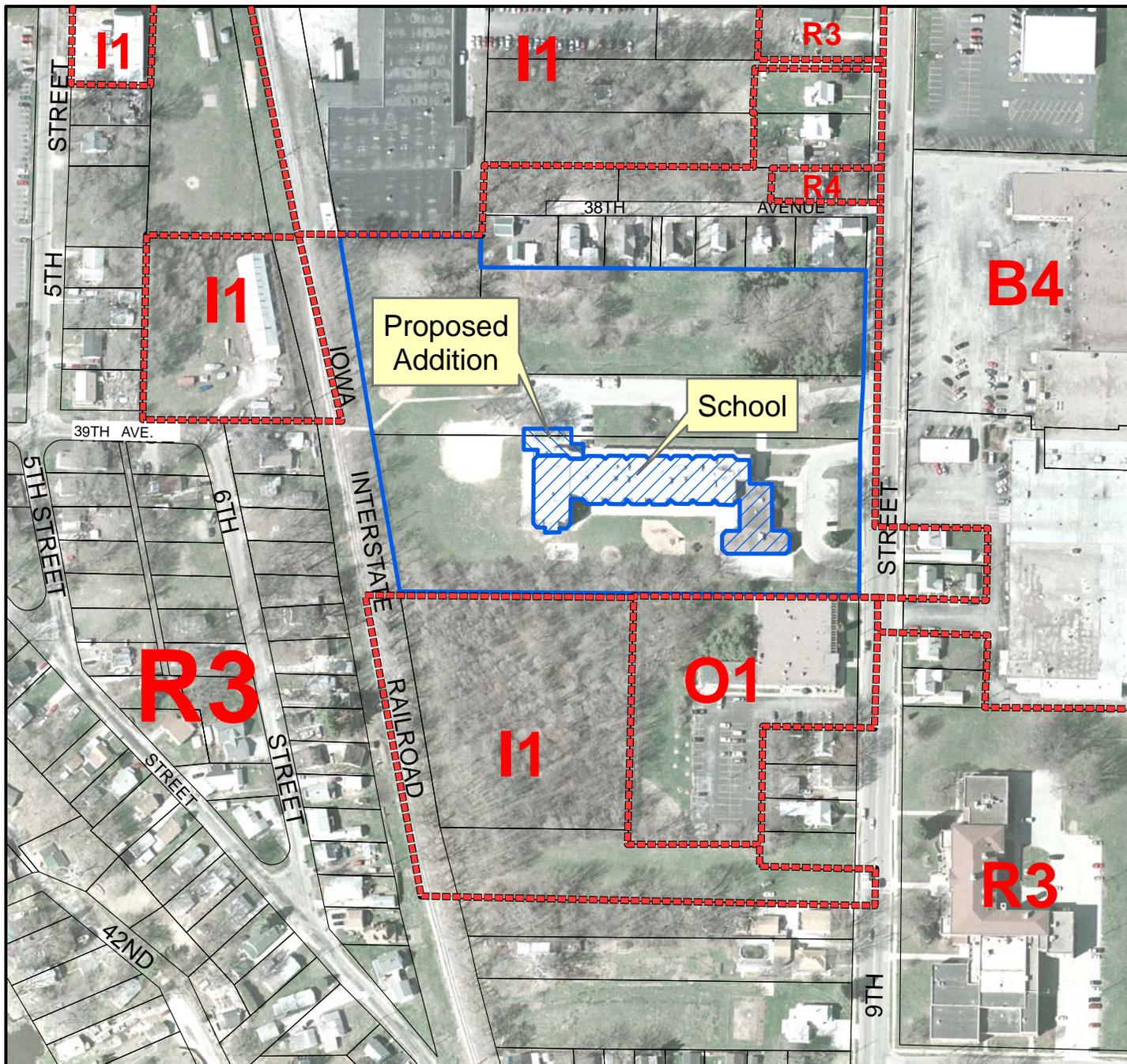
City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



ROCK ISLAND
ILLINOIS

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS

2010-2

Legend

-  Parcels
-  Subject Property

DR. BY: K.G.D.

APPR. BY: A.M.C./A.F.



0 50 100 200 300 400 Feet

City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment





REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: January 27, 2010

SUBJECT: Case #2010-03- Request for a variance to allow residential space on the first floor of a structure in a B-1 (neighborhood business) district.

Applicant:
Terri Elliott

Location:
1320 38th Street

Request:
To allow a variance to locate residential space on the first floor of a structure in a B-1 (neighborhood business) district.

Size of Property:
The property measures 60' x 115' (6,900 square feet).

Zoning History:
None.

Existing Land Use and Zoning:
The site is occupied by a single family residence, zoned B-1. To the north, east and west are single family residences, zoned B-1. To the south is a business use, zoned B-1.

Topography:
The site is flat and slightly above street level.

Affected Requirements:
The Zoning Ordinance requires that any residential space in a business zoning district only be located above a first floor (Section 22.5N). The applicant proposes to retain residential living space on the first floor while also adding a massage therapy business to the first floor in the existing single family residence.

Conditions to Authorize Variances:

1. Reasonable Return: The proposed variance will improve the return on the property.
2. Unique Circumstances: The structure has been used a duplex and single family residence in the past. The applicant will only use one room of the first floor for the massage therapy business.

3. Character Alteration: The proposed variance will not alter the character of the neighborhood.

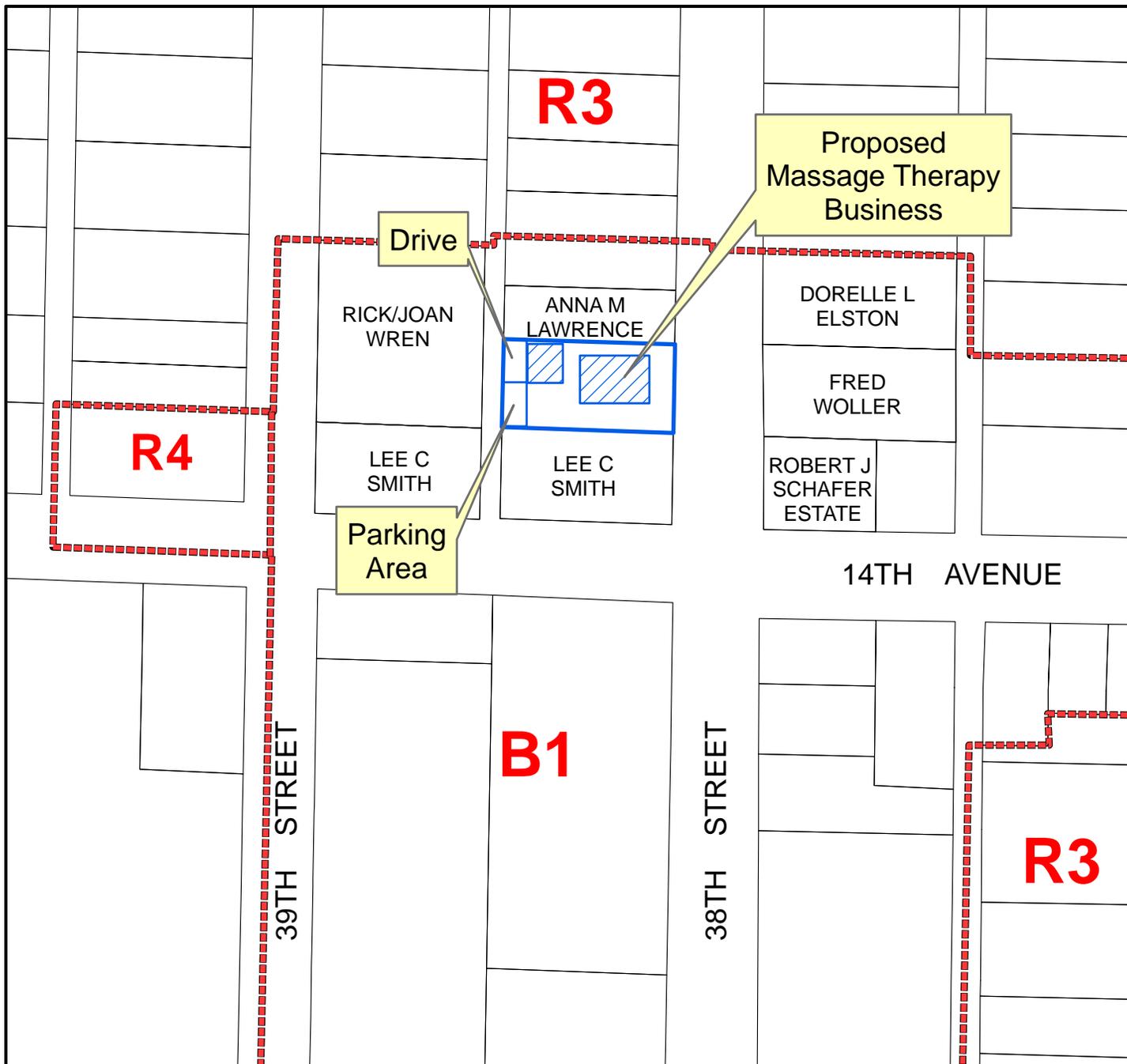
Comments:

The applicant's daughters reside in the home as it is currently being used as a single family residence. The applicant will use a first floor bedroom located in the southwest corner of the house for a massage therapy business. Customers will enter through a back door. Parking is available in the rear yard (two car detached garage and three additional parking spaces adjacent to the garage). The applicant will only have one customer at a time and will not have any customers waiting while working with a customer. The applicant expects to have only three to four customers per week.

Recommendation:

That the variance be approved because it will improve the return on the property, the structure has a history of residential use and it will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS
2010-3

Legend

- Parcels
- Subject Property

DR. BY: K.G.D.

APPR. BY: A.M.C./A.F.

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City of Rock Island

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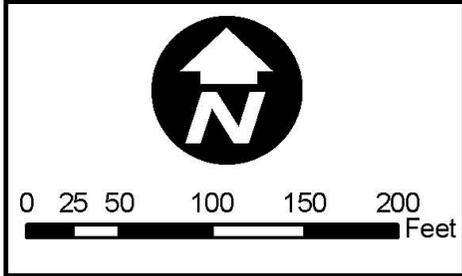
BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2010-3 Aerial Legend

-  Parcels
-  Subject Property

DR. BY: K.G.D.
APPR. BY: A.M.C./A.F.



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