

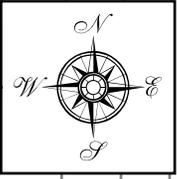
June

Rock Island Board of Zoning Appeals Regular Meeting Agenda June 9, 2010, 7:00 P.M.

1. Roll Call
2. Approval of the minutes of the regular meeting of May 12, 2010
3. Procedural Explanation
4. **Public Hearing #2010-09**: Immanuel Lutheran School requests a special exception to expand an authorized use and a variance to allow a second sign for the church/school in an R-2 (one family residence) district. The applicant proposes construct an attached church sanctuary addition in the north side yard and 72 additional parking lot spaces in the north side yard and west rear yard and also install an attached unlighted sign (approximately 4' x 8') on the east side of the proposed church building at 3300 24th Street, Rock Island, Illinois.
5. **Public Hearing #2010-10**: Jason Marquis and Linda Nonnenmann request a special exception to substitute one non-conforming use for another in an R-3 (one and two family residence) district. The applicant proposes to substitute a three chair hair salon for a dentist office at 4334 14th Avenue, Rock Island, Illinois.
6. **Elect Officers**
7. Other Business
8. Adjournment

Bricks are the oldest manufactured building material still in use. Egyptians used them 7,000 years ago.

Location Map for BZA2010-9 and BZA2010-10



BZA2010-9
3300 24th Street



BZA2010-10
4334 14th Avenue



Prepared By: City of Rock Island,
Community and Economic Development Dept.,
Planning and Redevelopment Division
May 2010

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

Regular Meeting

7:00 p.m.

May 12, 2010

ATTENDANCE:	(x) Present	() Absent
() Mike Healea		(x) Karen Williams
(x) Dave McAdam		(x) Larry Tschappat
(x) Gary Snyder		(x) Robert Wild
() 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 April 14, 2010 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 #2010-5 - Request from Sheila Solomon for a variance to allow an accessory structure in a front yard in an R-4 (one to six family residence) district at 1309 6th Avenue.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires that accessory structures be located in a side or rear yard (Section 8.5A). The applicant proposes to construct a detached garage (24' x 24') in the west front yard.

The applicant purchased the property to the west of her residence in order to have adequate room to construct a two car detached garage. She removed a fence from this area and proposes to locate the garage in this west front yard (of the now corner property that was consolidated with the lot where her home is located) in order to maintain a large tree and storage building in the north rear yard.

Chairman Tschappat called for proponents.

Sheila Solomon, 1309 6th Avenue, was sworn in. She said that the proposed location was the best place on the site to locate the garage and that it would improve the property and the neighborhood.

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

Decision Case #2010-5 – Mr. Snyder a motion to approve the request because:

1. The proposed garage will improve the return on the property.
2. The lot is a corner lot with two front yards. There is a large tree and existing accessory structure located in the rear yard.
3. The proposed garage will not alter the character of the neighborhood.

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

Public Hearing #2010-6 - Request from David Flores for a variance of two feet of the average front yard depth of 12 feet in an R-2 (one family residence) district at 2533 38th Street.

Mr. Fries indicated the applicant was not present at the meeting.

Chairman Tschappat asked for a motion to defer the request to see if the applicant will arrive later in the meeting.

Mr. Wild made a motion to defer the request until later in the meeting.

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

Public Hearing #2010-7 - Request from Alex Rangel for a variance of 15 per cent of the 30 per cent maximum coverage of a rear yard for an accessory structure in an R-3 (one and two family residence) district at 1538 26th Street.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that accessory structures cover not more than 30 percent of the rear yard (Section 8.5A). The applicant proposes to maintain a covered patio addition (12' x 38' as built; 12' x 35' as proposed) connected to an existing detached garage that covers 45 percent of the west rear yard.

Planning and Redevelopment Division staff became aware of the patio structure as a result of Inspection Division staff inspection of the improvement. No building permit was applied for and the inspectors determined the patio addition to the garage needed a variance due to its proximity to adjoining properties and coverage of the rear yard area. The structure is approximately 38 feet wide on a 40 foot wide lot. It was built to provide a shaded area on the east side of the existing garage. (See attached sketch from the applicant. Note that the lot dimension of 42' 8" is not accurate; the lot is 40 feet wide.)

Staff discussed the existing structure with the applicant and the need for a variance. There was also discussion that the applicant would be willing to reduce the width of the covered patio so it is as wide as the existing garage and does not project beyond the garage's side walls.

While this necessitates a variance of the rear yard coverage ratio, it does not adversely impact the property or its neighbors.

Chairman Tschappat called for proponents.

Alex Rangel, 1538 26th Street, was sworn in. He said that the accessory building addition was constructed to provide a shaded play area in the rear yard for his children. He said he was not trying to take over his neighbor's yard.

Mr. Snyder asked if he did the work himself. Mr. Rangel replied that he did and also did not realize the setback and area coverage requirements because his neighbor's house is very close to his property.

Chairman Tschappat asked if he was willing to reduce the side extensions of the addition to be flush with the existing detached garage on the site. Mr. Rangel replied that he was.

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

Decision Case #2010-7 – Mr. McAdam made a motion to approve the request because:

1. The existing covered patio will improve the return on the property.
2. The existing covered patio has altered the character of the neighborhood as built, but will not if it is remodeled to be as wide as the existing detached garage.

He added the stipulation that the covered patio width be reduced to that of the existing detached garage.

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

Public Hearing #2010-8 - Request from Victoria Elukhanyeni for a variance of 2.5 feet of the 3.5 foot maximum fence height in a front yard in an R-3 (one and two family residence) district at 1216 12th Street.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires fences located in a front yard

not exceed 3.5 feet in height (Section 8.12). The applicant proposes to maintain a six foot tall privacy fence in the east front yard.

Staff received a complaint regarding the fence height and contacted the property owner regarding the zoning violation and she decided to request the variance rather than reduce the height of the existing fence. She has submitted the attached letter detailing several harassment and criminal activities on and around her property, which she says is the reason she put up the privacy fence.

Staff understands the need the applicant has for safety and security in her home, but also understands the long term negative impact of tall privacy fences in front yards of residential areas. The City revised the height requirement to not allow taller fences in front yards approximately 10 to 15 years ago due to their “fort-like” appearance on city blocks. Staff believes that allowing the fence to remain will alter the character of the neighborhood.

Chairman Tschappat called for proponents.

Victoria Elukhanyeni, 1216 12th Street, was sworn in. She said that the fence has been up for almost a year and was placed there as a result of multiple situations where people have come onto her property and threatened her verbally and physically. She said she has had three lawn mowers stolen from her property along with her water spigot turned on and left running without her knowledge. She said she does not feel safe in her neighborhood and since she has put up the taller fence there have been fewer problems for her. She added that there had been a shorter chain link fence in her front yard prior to the six foot maintenance free privacy fence, but the shorter fence did not provide adequate security for her property.

Chairman Tschappat asked her why she did not extend the privacy fence to the north side of the front yard. Ms. Elukhanyeni replied that she ran out of money to do so.

Mr. Snyder asked if a fence contractor constructed the fence. Ms. Elukhanyeni replied that her son put up the fence.

Mr. Snyder then asked if she locks the fence. Ms. Elukhanyeni replied that she does not lock the front fence, but does have a locked privacy fence in the back yard.

Mr. McAdam asked her how long has she lived in her residence. Ms. Elukhanyeni replied almost ten years. She added that she chose the best looking fence that she could afford.

Mr. Snyder asked staff who complained about the fence height. Mr. Carmen replied that staff does not give that information out to the public.

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

Decision Case #2010-8 – Ms. Williams made a motion to approve the request because:

1. The privacy fence has improved the return on the property by making it safer.
2. The privacy fence is needed for the safety and security for the property owner.
3. The privacy fence is a more temporary improvement compared to an accessory structure.

She added the stipulation that the applicant can complete the front yard privacy fence along the north property line.

Mr. Snyder seconded the motion and said that he normally would not agree to approve such a variance, but he is considering the unique circumstance and that there is no one appearing to object.

Mr. McAdam said he has observed people jumping over shorter fences to create problems for property owners. He said that safety is more important in this case than the ordinance regulations.

Mr. Wild and Ms. Williams both agreed.

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

The applicant's representative for case #2010-6 arrived to the meeting, so Chairman Tschappat asked for a motion to re-open the public hearing for the request. Ms. Williams made a motion to open public hearing 2010-06. Mr. Snyder seconded the motion, and it passed unanimously.

Public Hearing #2010-6 - Request from David Flores for a variance of two feet of the average front yard depth of 12 feet in an R-2 (one family residence) district at 2533 38th Street.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that that if a 25 foot front yard setback cannot be met that an average front yard can be taken (Section 9.4). The applicant proposes to construct an attached deck (5' x 8') in the south front yard.

The applicant proposes a new deck landing and stoop area where there had been a stoop previously for access to the south entrance into the residence. He averaged the front yard depth with the only other residence on the same block and the average front yard was determined to be 12 feet. The proposed open deck will maintain a ten foot south front yard setback. The south front property line is located approximately at the stone wall on the south side of the property.

Chairman Tschappat called for proponents.

Aaron Faulk, 318 West Gale Street in McCausland, Iowa, was sworn in. he said that his company has been renovating the residence and has added a new door to the south side of the house that now needs a landing. He said that to make it more accessible they have proposed a small deck for the entrance way.

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

Decision Case #2010-6 – Mr. Wild made a motion to approve the request because:

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

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

Chairman Tschappat adjourned the meeting at 7:45 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: May 26, 2010

SUBJECT: Case #2010-09- Request for a special exception to expand an authorized use and a variance to allow a second sign for a church/school use in an R-2 (one family residence) district.

Applicant:
Immanuel Lutheran School and Church

Location:
3300 24th Street

Request:
To allow a special exception to expand an authorized use and a variance to allow a second sign for the church/school use in an R-2 (one family residence) district.

Size of Property:
The property measures 50' x 100' x 240' x 115' x 212' x 725' x 791' x 839' x 290' x 100' (approximately 645,175 square feet, or 14.8 acres).

Zoning History:
Board of Zoning Appeals Case #2005-12- Request for variance to add an additional nine square feet in sign area for an existing freestanding sign was approved.

Board of Zoning Appeals Case #98-44- Request for a sign variance of 18 square feet over the 30 square foot maximum freestanding sign area was approved.

Board of Zoning Appeals Case #93-29- Request for special exception to authorize a maintenance building was denied.

Board of Zoning Appeals Case #93-34- Request for a special exception to authorize a maintenance building was denied.

Existing Land Use and Zoning:
The site is occupied by an elementary school. To the east, south and west are primarily single-family residential areas, zoned R-2, R-3 and PUD. To the north are single-family residences and office uses, zoned R-2 and R-4.

Topography:

The site is generally flat and at street level. There is an area that slopes down at the southeast corner of the property.

Affected Requirements:

The zoning ordinance requires Board approval to expand an authorized use (Section 15.3) and the sign ordinance requires only one sign per property for a church/school use (Section 5[a] [7]).

The applicant proposes to construct an attached church sanctuary addition in the north side yard and 72 additional parking lot spaces in the north side yard and west rear yard and also install an attached unlighted sign (approximately 4' x 8') on the east side of the proposed church building.

Conditions to Authorize Variance:

1. Reasonable Return: The proposed sign will not have an impact on the property's value. It will identify the new church building addition.
2. Unique Circumstance: None
3. Character Alteration: The proposed sign will not alter the character of the neighborhood.

Comments:

The church is seeking to construct a permanent location for its congregation at the Lutheran school facility. The sanctuary will seat approximately 293 people and will be located off the north end of the existing school structure (see site plan). The addition will have a 32 foot long "connection" extension with a vestibule, an entrance to the west and storage, restroom and mechanical areas. The sanctuary addition will then further extend 51 feet to the north and approximately 87 feet to the east (see building elevation). The proposed addition will be located approximately 400 feet from the north property line and 500 feet from the east property line. The brick facing on the addition will match well with the existing school structure and will not alter the character of the neighborhood.

The applicant will also improve and expand the existing parking lot. Seventy-two additional parking spaces will be added in the north side yard and west rear yard. Two new lights will also be added to the north side parking area. Total parking on the site for the school and church will be 125 spaces. The school and church will not have full capacity activities at the same time (school operates Monday through Friday, while church services will be Sunday mornings).

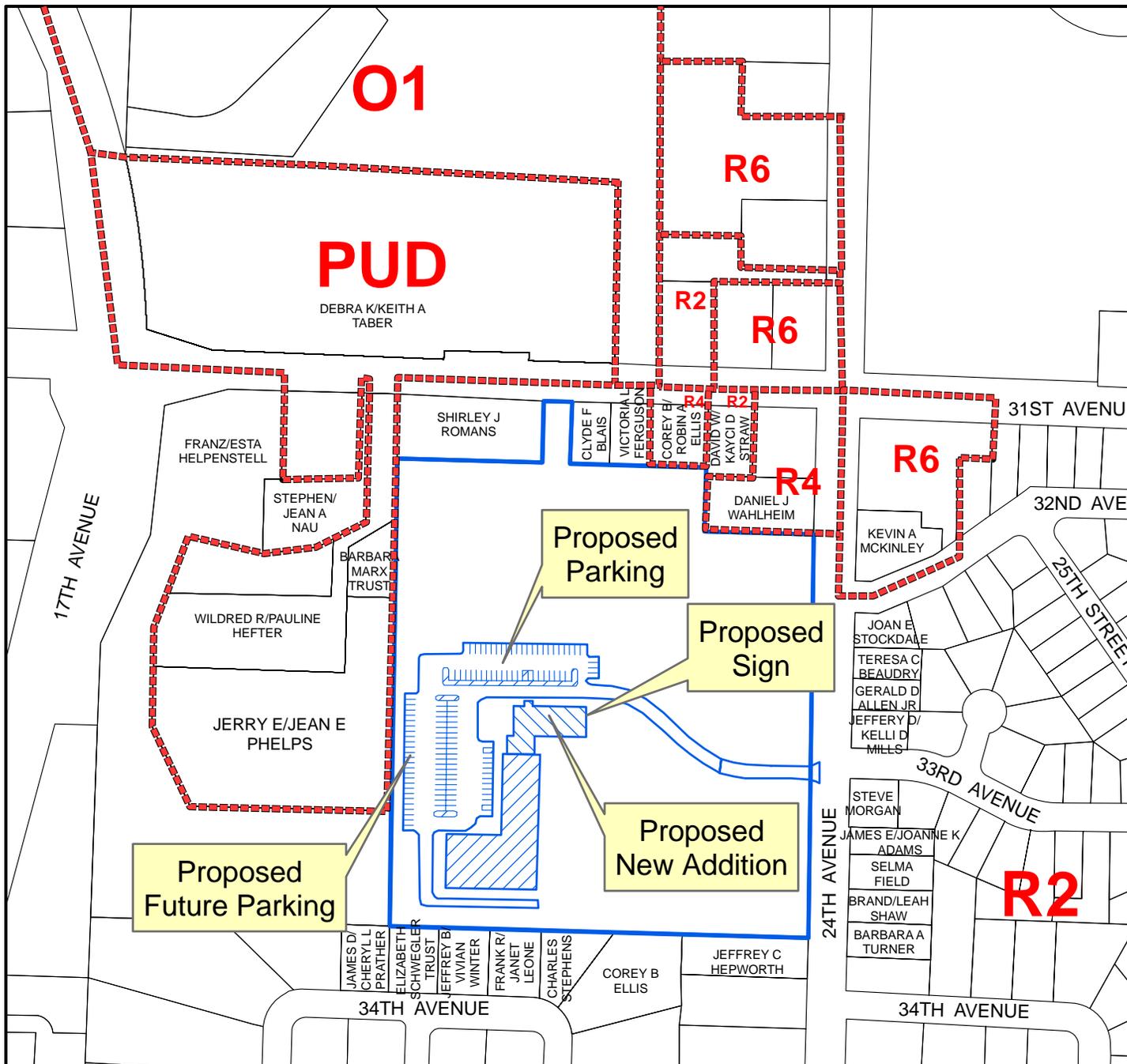
The Zoning Ordinance requires one parking space for every four seats in a sanctuary. The ordinance requires 73 parking spaces for a sanctuary with 293 seats. The site plan meets the parking requirements for the proposed use expansion.

Recommendation:

That the special exception be approved because it will provide adequate parking for the expansion and will not alter the character of the neighborhood.

It is further recommended that the variance be approved because it will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2010-9 Legend

-  Parcels
-  Subject Property

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



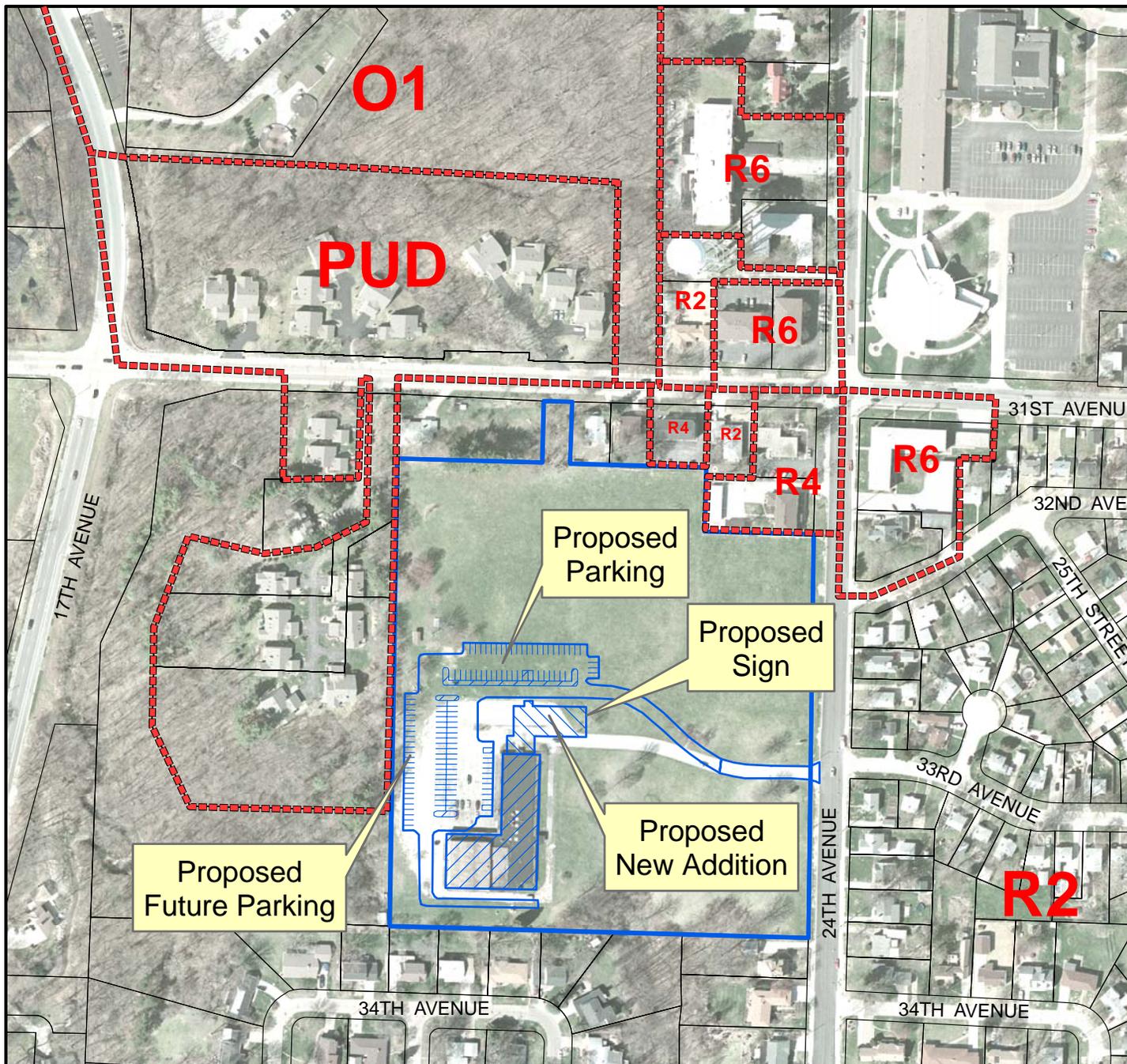
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City of Rock Island

COMMUNITY AND ECONOMIC
 DEVELOPMENT DEPARTMENT
 Planning and Redevelopment



BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2010-9 Aerial Legend

-  Parcels
-  Subject Property

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

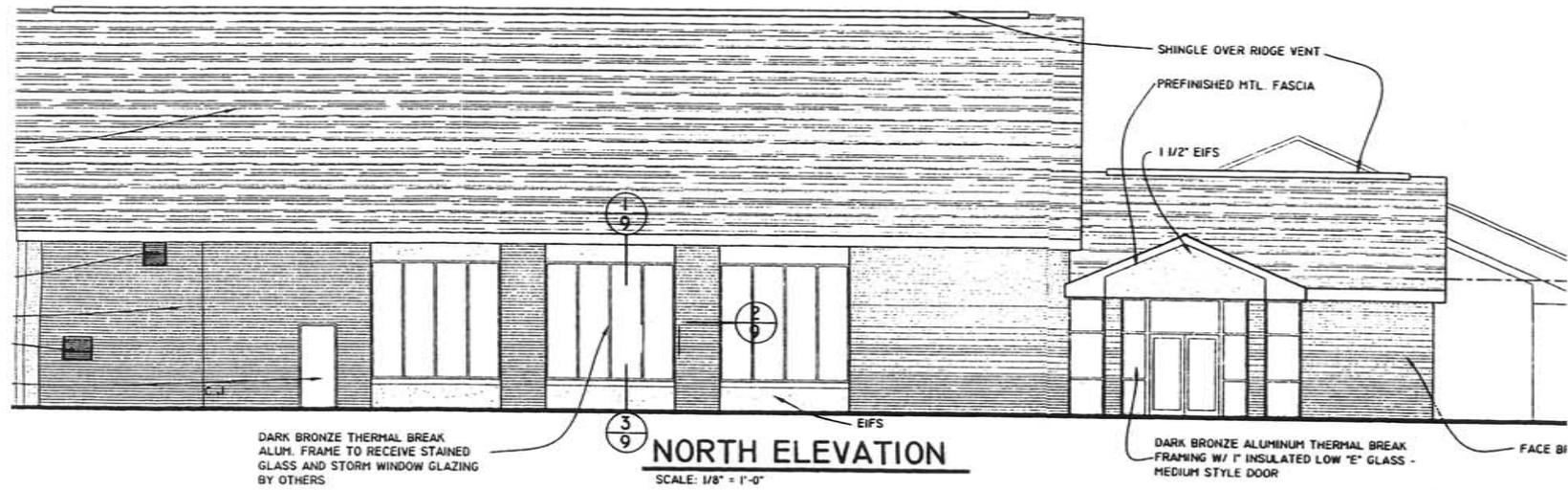
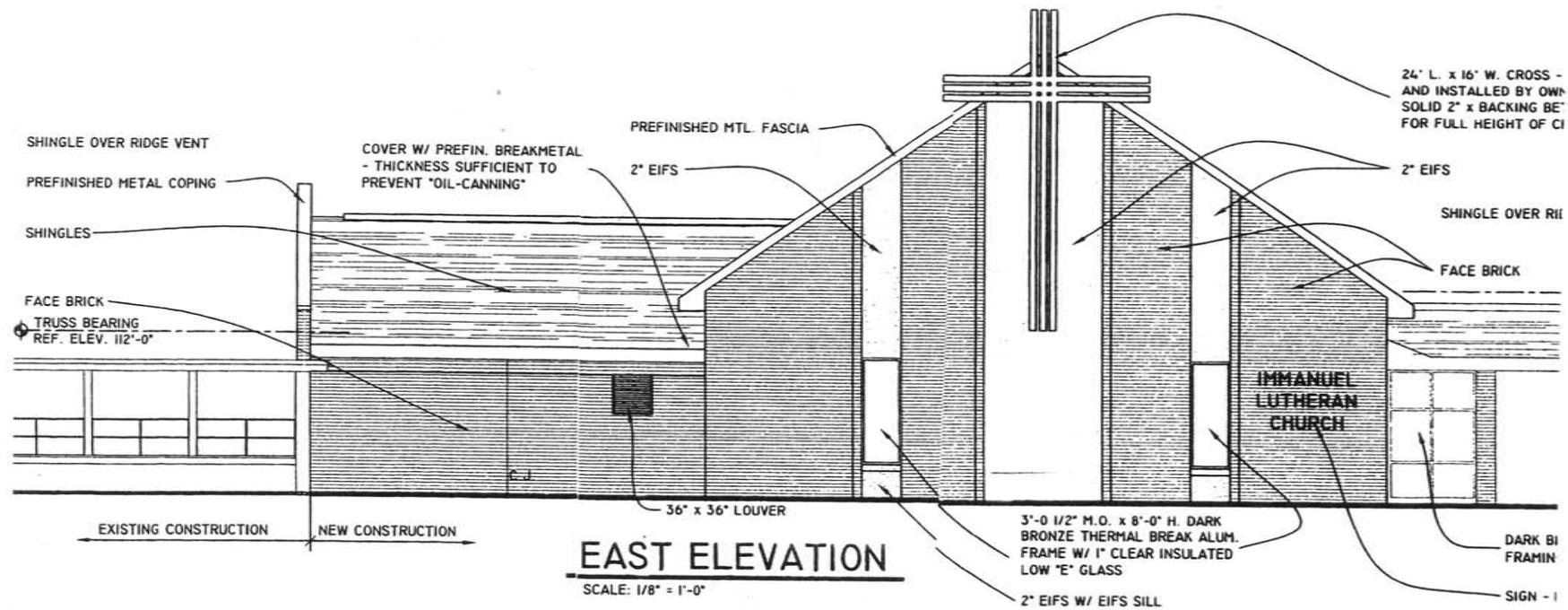


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City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment







REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: May 26, 2010

SUBJECT: Case #2010-10- Request for a special exception to substitute one non-conforming use or another in an R-3 (one and two family residence) district.

Applicant:

Jason Marquis and Linda Nonnenmann

Location:

4334 14th Avenue

Request:

To allow a special exception to substitute one nonconforming use for another nonconforming use in an R-3 (one and two family residence) district.

Size of Property:

The property measures 50' x 110' (5,500 square feet).

Zoning History:

Board of Zoning Appeals Case #1973-07- Request to substitute a nonconforming dental office for a nonconforming tobacco store was approved.

Board of Zoning Appeals Case #1980-22- Request to expand dental office by adding one additional dentist to the business was approved.

Existing Land Use and Zoning:

The site is occupied by a vacant dentist's office. To the north, south and west are single family residences, zoned R-3. To the east is a beauty shop, zoned R-3.

Topography:

The site is flat and slightly above street level.

Affected Requirements:

The zoning ordinance requires Board approval to substitute one nonconforming use for another (section 5.12). The applicant proposes to substitute a three chair hair salon for a dentist office.

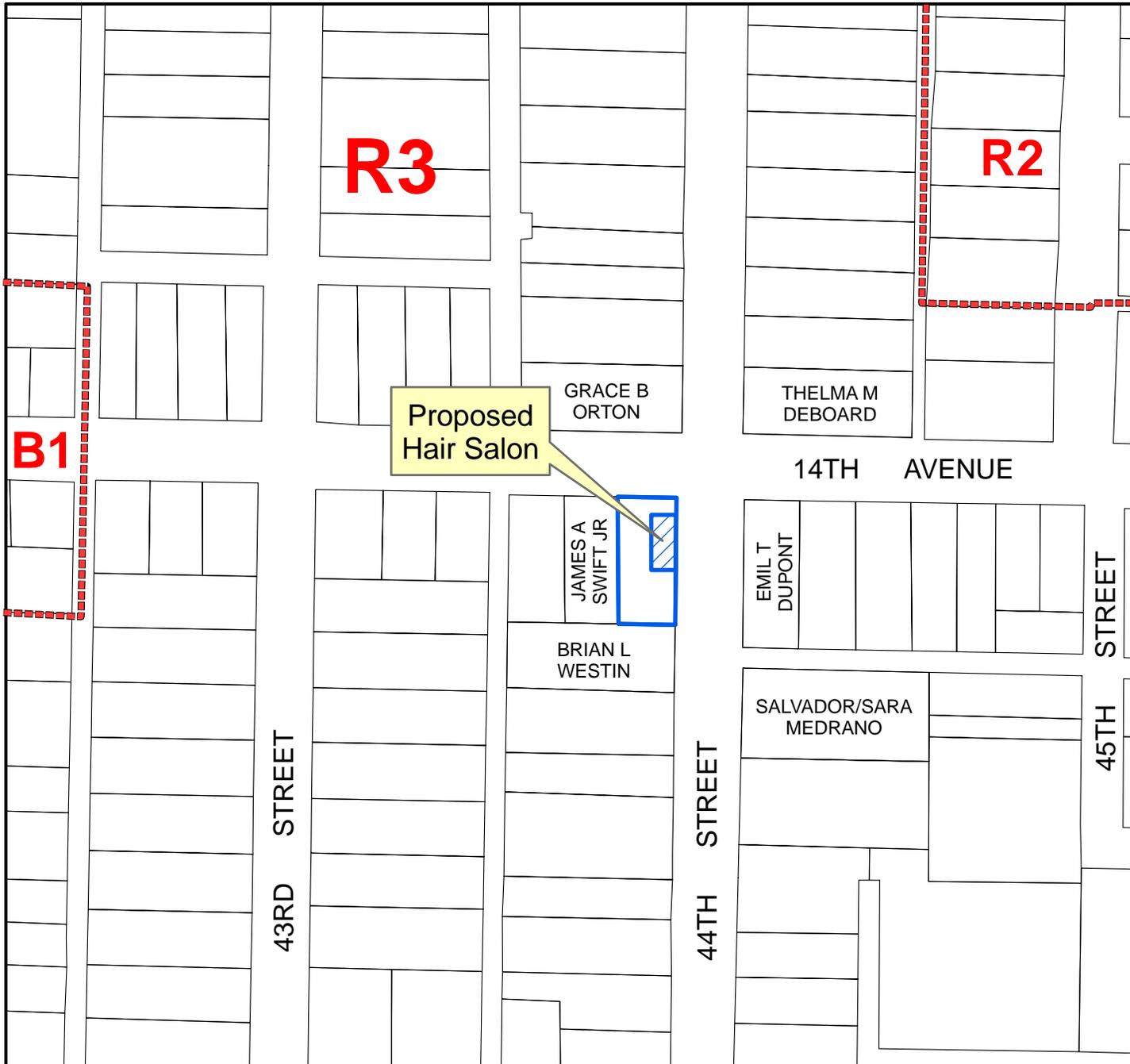
Comments:

The property has a long history of non-residential use, but has been vacant for over a year. The proposed three chair hair salon is similar to the service type of use that is the recent history of the property. There are approximately seven improved parking spaces on the property and it has access to 14th Avenue and 44th Street.

Recommendation:

That the special exception be approved because it will provide adequate parking for the proposed use and will not alter the character of the neighborhood.

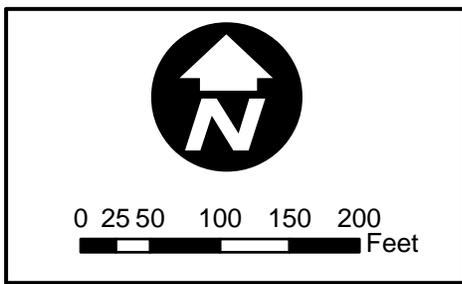
BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2010-10 Legend

- Parcels
- Subject Property

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



City of Rock Island
 COMMUNITY AND ECONOMIC
 DEVELOPMENT DEPARTMENT
 Planning and Redevelopment

ROCK ISLAND
 ILLINOIS

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2010-10 Aerial Legend

-  Parcels
-  Subject Property

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



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