

August 13

**Rock Island Board of Zoning Appeals
Council Chambers—Third Floor—City Hall
1528 – 3rd Avenue
Regular Meeting Agenda
August 13, 2014
7:00 PM**

1. Call to Order and Roll Call
2. Approval of the minutes of the regular meeting of July 9, 2014
3. Approval of the written agenda
4. Procedural Explanation
5. Public Hearing #2014-18: The applicants, Thomas and Karen Long, have filed a request for a variance from the minimum setback requirement for an accessory garage building in a rear yard in an R-2 (one family residence) district at 3204 25th Street.
6. Public Hearing#2014-19: The applicants, Clifford and Lottie Carey, have filed a request for a variance from the front yard setback requirement for an attached deck addition in an R-3 (one and two family residence) district at 723 18th Avenue.
7. Public Hearing#2014-20: The applicant, Robert Bisland, has filed a request for a variance from the separation requirement between Unrelated Group Family Uses in an R-3 (one and two family residence) district at 3406 6th Avenue.
8. Public Hearing#2014-21: The applicant, Robert Bisland, has filed a request for a variance from the separation requirement between Unrelated Group Family Uses in an R-3 (one and two family residence) district at 3414 6th Avenue.
9. Public Hearing#2014-22: The applicants, Andy Klockau and Jessica Jackson, have filed a request for a variance from the maximum height for a fence in a front yard and setback from the point of intersection for a fence at a corner property in an R-3 (one and two family residence) district at 544 23rd Street.
10. Other Business
11. Adjournment

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

Regular Meeting

7:00 p.m.

July 9, 2014

ATTENDANCE:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
(x) Kevin Day		(x) Karen Williams
(x) Dave McAdam		(x) Larry Tschappat
(x) Gary Snyder		(x) Robert Wild
() Faye Jalloh		

Staff Present: Ben Griffith and Alan Fries

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

Approval of Minutes – Mr. Wild made the motion to approve the Minutes of the June 11, 2014 meeting. Mr. Day seconded the motion, and it passed unanimously.

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

Public Hearing #2014-15 - Request from Salvador Marceleno for a variance of four feet of the nine-foot side yard setback requirement for an addition to a one-story single family residence in an R-2 (one family residence) district at 4206 26th Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires a nine-foot minimum side yard setback requirement when the other side yard setback is already six feet in width in an R-3 zoning district (Section 15.5). The applicant proposes to construct an attached garage addition to the existing residence (7' x 24') in order to add a storage area and/or second garage bay in the west side yard.

The existing residence has only a one-car attached garage. The photo attached to the staff report identifies that there is a driveway that extends further to the west and the applicant desires to extend the garage to the west in order to have more room inside the garage area. The seven-foot wide extension may make it challenging to add a full second bay, but it will at least add more storage room inside the garage area. The remaining side yard setback will be five feet to the property line. The neighboring property has a driveway leading to a rear yard detached garage on its side of the property line, so impact of the addition should be minimal.

Chairman Snyder called for proponents.

Salvador Marceleno, 4206 26th Avenue, was sworn in. He said he wants to extend the garage space for either a second parking space or for more storage. He added that right now when they move things around inside the one-car attached garage sometimes they fall on their car.

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

Decision Case #2014-15 – Ms. Williams made a motion to approve the request because:

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

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

Public Hearing #2014-16 - Request from Robert Happ for a variance of two feet of the six-foot separation between an accessory structure and a principal structure and a variance of four feet of the six-foot side yard setback requirement for an accessory structure in a side yard in an R-2 (one family residence) district at 7918 9th Street West.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires a six-foot separation between an accessory structure and a principal structure and a six-foot side yard setback for an accessory structure located in a side yard (section 8.5A). The applicant proposes to construct a detached garage (22' x 30') in the west side yard.

The applicant will remove an existing one-story porch area on the southwest side of the residence to open up area for the proposed two car detached garage. The existing residence has a one-car attached garage with driveway access to 9th Street and a swimming pool in the north rear yard. The proposed two-car detached garage will be located four feet from the closest point of the residence and two feet from the closest point from the west property line. There is an existing six-foot privacy fence along the west property line that should minimize impact from the neighbor.

Chairman Snyder called for proponents.

Robert and Anita Happ, 603 W. 34th Avenue Court, Milan, Illinois, were sworn in. Mr. Happ said that they are renovating the three bedroom house and that the existing one-car attached garage is not enough parking for a family. He said he and his wife have more than one vehicle and that it would be a hardship without the variance.

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

Decision Case #2014-16 – Mr. McAdam made a motion to approve the 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. Wild seconded the motion, and it passed unanimously.

Public Hearing #2014-17 - Request from Roberto and Yolanda Villalobos for a special exception to expand a residential non-conforming use in a B-1 (neighborhood business) district at 4110 14th Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires Board authorization to expand a non-conforming use (Section 5.12). The applicant proposes to construct a detached residential garage (29' x 34') in the south rear yard.

The existing smaller detached garage on the property (21' x 29') will be removed and the new garage will be constructed further to the south in the rear yard (meeting three-foot setback requirements from all property lines). The house will be renovated and leased as a residential use with the garage available to tenants. The applicant's will also erect a six-foot privacy fence around the rear yard.

Chairman Snyder called for proponents.

Yolanda Villalobos, 4120 14th Avenue, was sworn in. She said they would remove the existing garage to have a larger back yard play area for kids and construct the new garage further to the south of the property.

Decision Case #2014-17 – Mr. Wild made a motion to approve the request because:

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

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

Other Business:

Mr. Griffith informed the Board that there are five cases on the agenda for the regular August meeting.

He also informed the Board of the training session for Commissioners and Board members on Wednesday, August 27th from 5:00 to 8:00 p.m. He said dinner will be provided.

Finally, he reminded the Board members to be mindful of any *ex parte* communications and to contact the Planning Office with any questions regarding any items on upcoming agendas.

Adjournment:

Chairman Snyder adjourned the meeting at 7:30 p.m.

Respectfully submitted,



Ben Griffith, AICP, Secretary
Rock Island Board of Zoning Appeals

REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: July 29, 2014

SUBJECT: Case #2014-18- Request for variance from the building setback for an accessory structure in a rear yard in an R-2 (one family residence) district.

Applicant:
Thomas and Karen Long

Location:
3204 25th Street

Request:
To allow a variance of two feet of the three-foot setback for an accessory structure in a rear yard in an R-2 (one family residence) district.

Size of Property:
The property measures 55' x 75' x 110' x 61' (approximately 5,352 square feet).

Zoning History:
None.

Existing Land Use and Zoning:
The site is occupied by a single family residence. The neighborhood is primarily a single family residential area, zoned R-2.

Topography:
The site slopes up approximately one to two feet from street level.

Affected Requirements:
The zoning ordinance requires that there be a three-foot setback for an accessory structure in a rear yard (Section 8.5A). The applicant proposes to construct a detached garage (14' x 20') in the west rear yard.

Conditions to Authorize Variances:

1. Reasonable Return: The proposed variance will improve the return on the property.
2. Unique Circumstances: None.

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

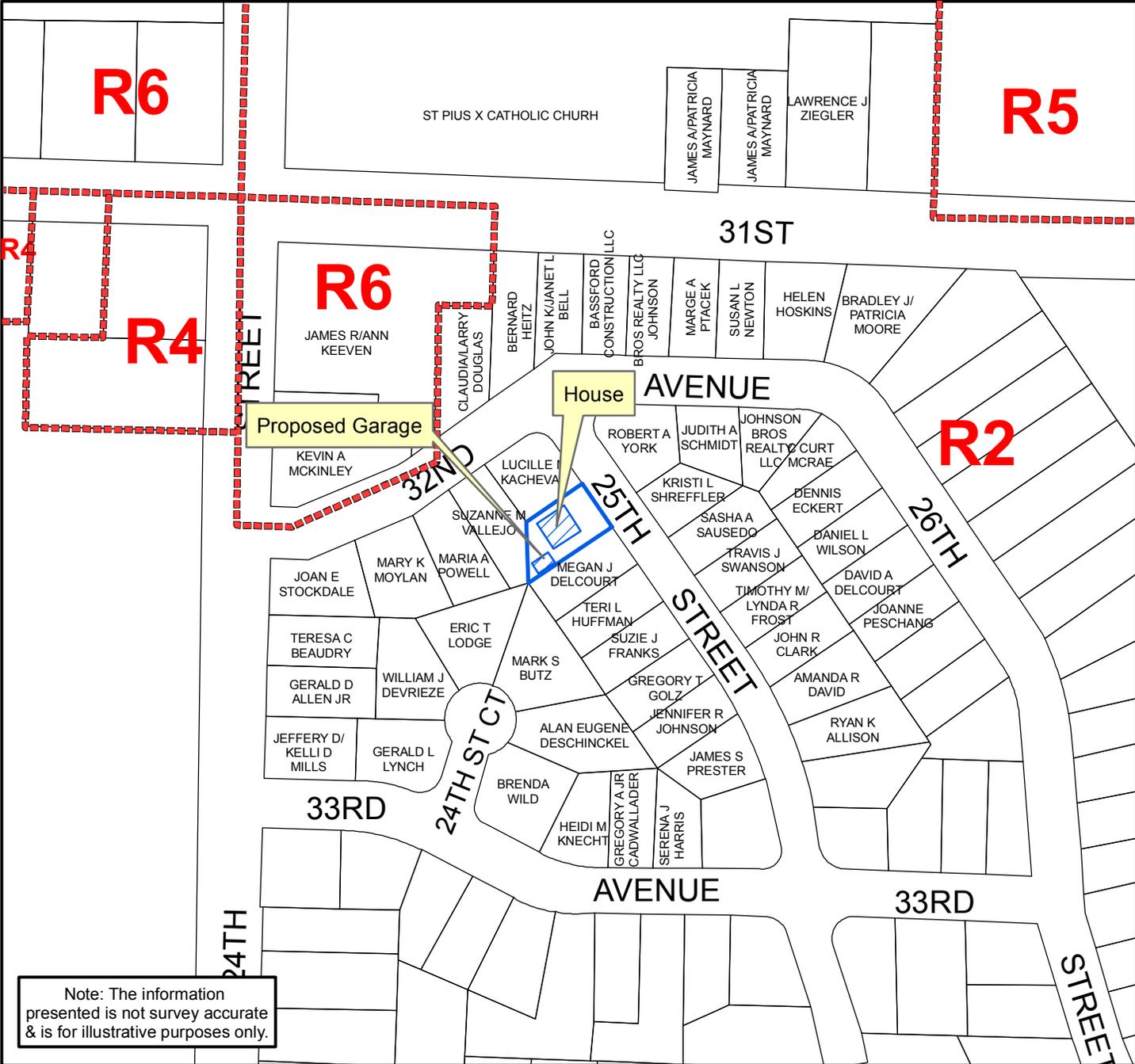
Comments:

The applicant has removed a previous detached garage from this same approximate location and proposes to construct a new garage at approximately the same location (one foot from the south property line). The rear yard has an angled configuration making it difficult to move the proposed garage any further into the west rear yard. The setback variance is needed to make it easier to make the curve into the proposed garage from the driveway (see applicants attached drawing). An existing storage building located in the rear yard will be removed from the property.

Recommendation:

That the variance be approved because it will improve the return on the property and it will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS



Note: The information presented is not survey accurate & is for illustrative purposes only.

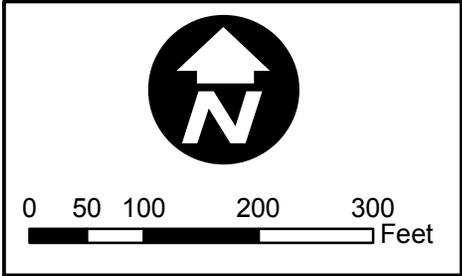
BOARD OF ZONING APPEALS 2014-18

Legend

- Parcels
- Subject Property

DR. BY: K.G.D.

APPR. BY: B.G./A.F.

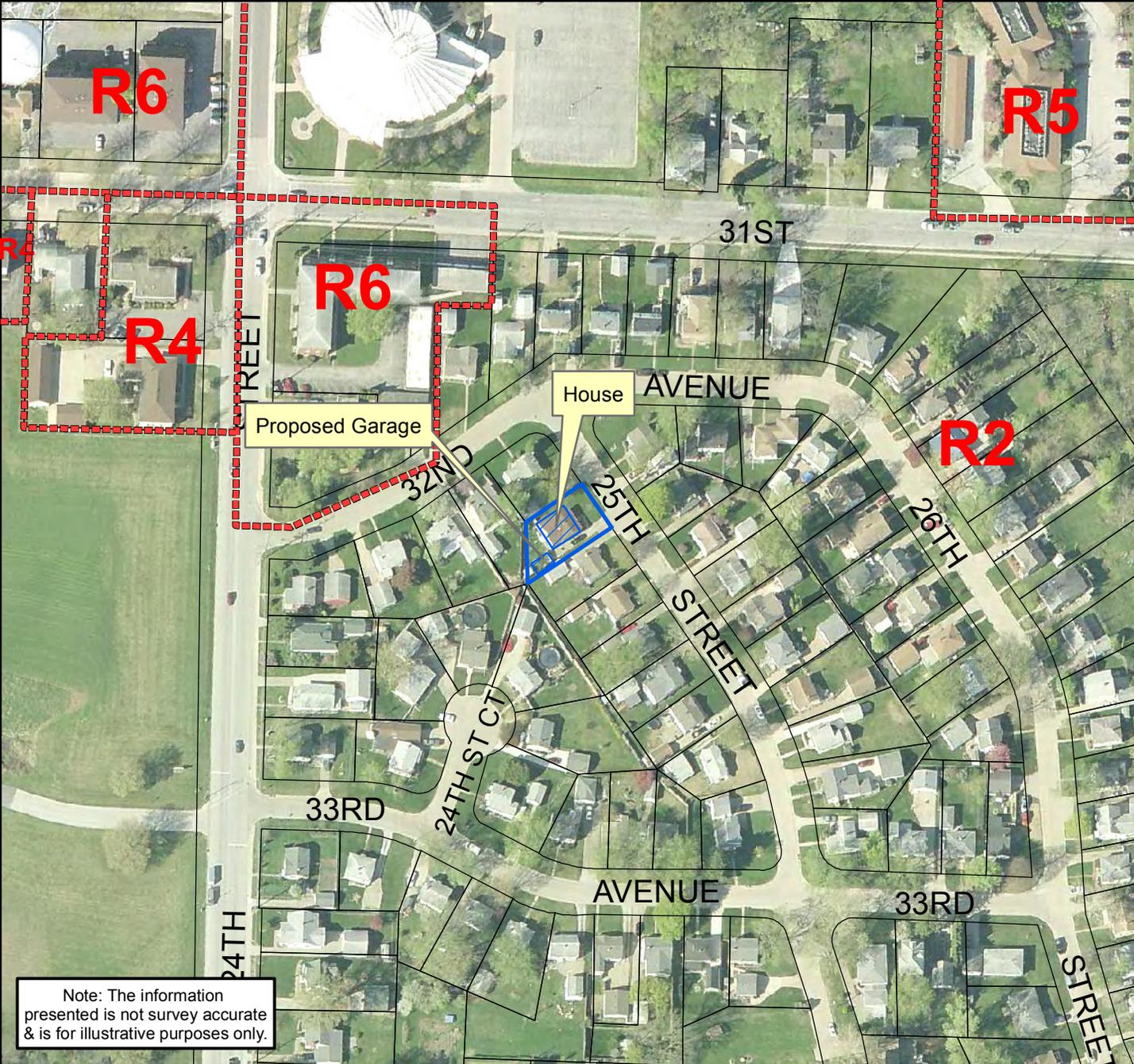


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DEVELOPMENT DEPARTMENT
Planning and Redevelopment



BOARD OF ZONING APPEALS



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BOARD OF ZONING APPEALS
2014-18 Aerial
Legend

- Parcels
- Subject Property

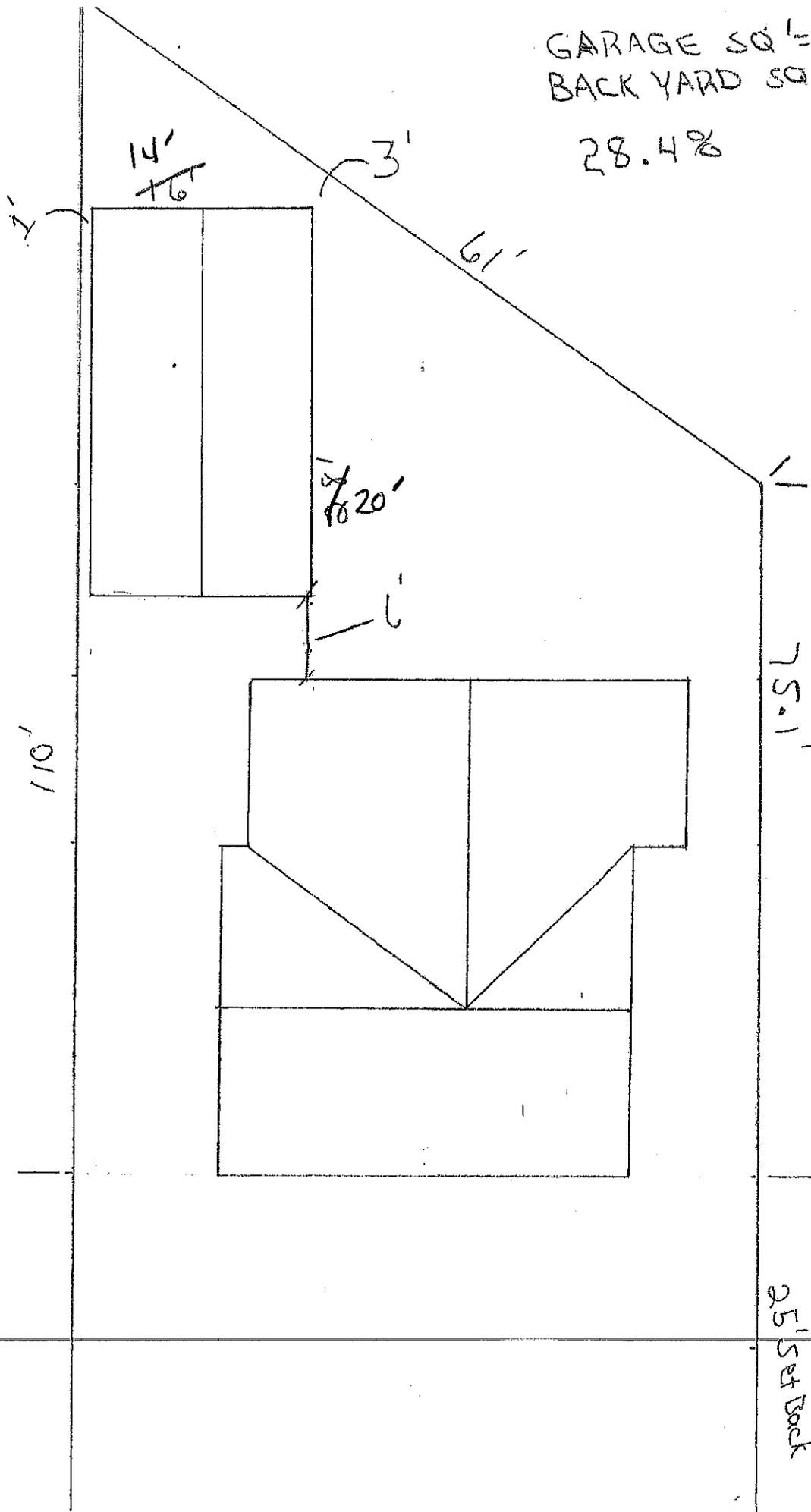
DR. BY: K.G.D.
APPR. BY: B.G./A.F.

0 50 100 200 300 Feet

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



GARAGE SQ' = 448
BACK YARD SQ' = 1575
28.4%



REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: July 29, 2014

SUBJECT: Case #2014-19- Request for a variance from the front yard setback requirement for an addition to a residence in an R-3 (one and two family residence) district.

Applicant:
Clifford and Lottie Carey

Location:
723 18th Avenue

Request:
To allow a variance of 23.5 feet of the 25-foot front yard setback requirement in an R-3 (one and two family residence) district.

Size of Property:
The property measures 40.5' x 80' (approximately 3,188 square feet).

Zoning History:
None.

Existing Land Use and Zoning:
The site is occupied by a single family residence. The neighborhood is primarily a single family residential area, zoned R-3.

Topography:
The site slopes up one foot from street level.

Affected Requirements:
The zoning ordinance requires a 25-foot front yard setback requirement in an R-3 zoning district (Section 15.5). The applicant proposes to construct an attached open deck (10' x 16') in the east front yard.

Conditions to Authorize Variances:

1. Reasonable Return: The proposed variance will improve the return on the property.
2. Unique Circumstances: The lot is a corner lot with two front yards.

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

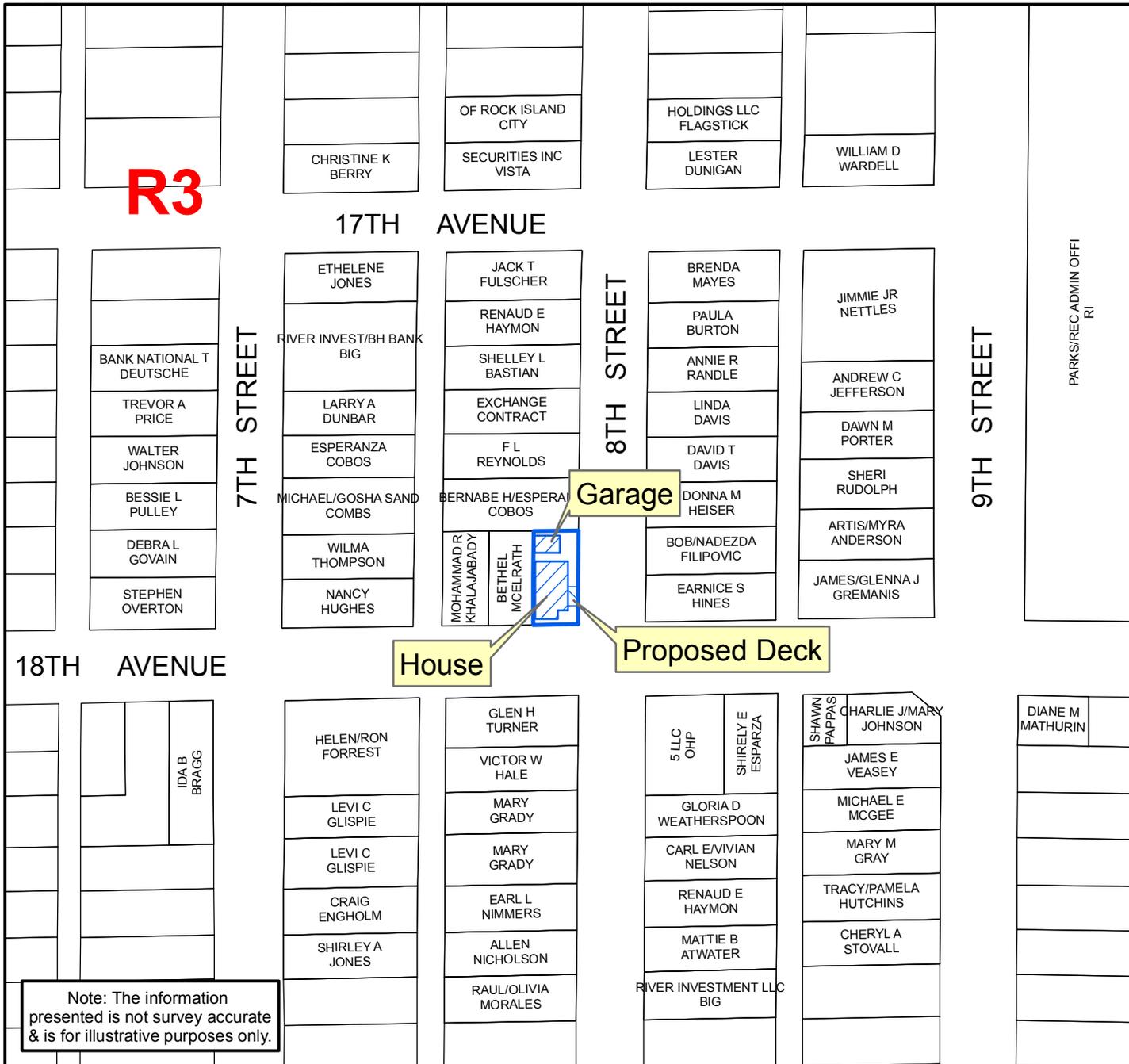
Comments:

The open deck will be approximately one step in height and provide an outside sitting area on the east side of the residence (adjacent to an existing door). Currently the applicant has a BBQ and outside eating area at this location. Due to the open deck having a low level of height it will not have a negative impact on visibility up and down the block for neighbors.

Recommendation:

That the variance be approved because it will improve the return on the property, the lot is a corner lot with two front yards and it will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS



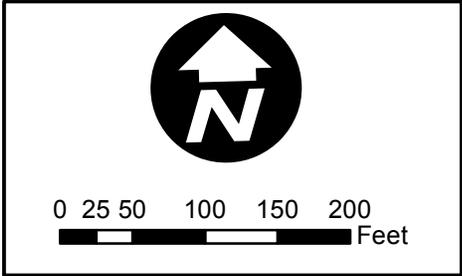
BOARD OF ZONING APPEALS 2014-19

Legend

- Parcels
- Subject Property

DR. BY: K.G.D.

APPR. BY: B.G./A.F.



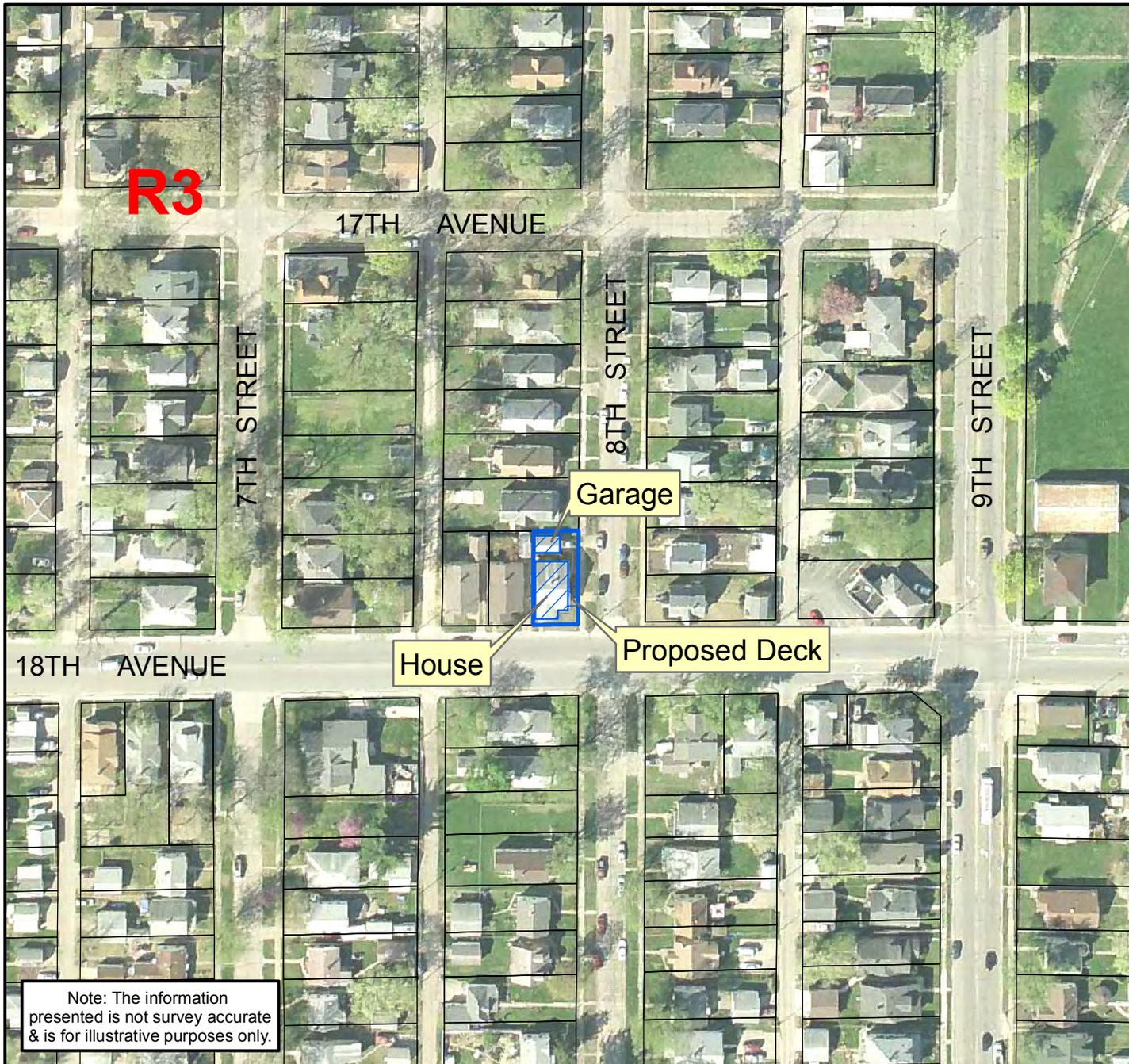
City of Rock Island

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BOARD OF ZONING APPEALS



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BOARD OF ZONING APPEALS 2014-19 Aerial

Legend

-  Parcels
-  Subject Property

DR. BY: K.G.D.
APPR. BY: B.G./A.F.



0 25 50 100 150 200 Feet

City of Rock Island

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DEVELOPMENT DEPARTMENT
Planning and Redevelopment





723

REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: July 29, 2014

SUBJECT: Case #2014-20- Request for variance from the separation requirement between Unrelated Group Family Uses in an R-3 (one and two family residence) district.

Applicant:
Robert Bisland

Location:
3406 6th Avenue

Request:
To allow a variance of 100 feet of the 300-foot separation requirement between an existing Unrelated Group Family Use and a proposed Unrelated Group Family Uses in an R-3 (one and two family residence) district.

Size of Property:
The property measures 40' x 150' (approximately 5,884 square feet).

Zoning History:
None.

Existing Land Use and Zoning:
The site is occupied by a single family residence. The neighborhood is primarily a single family residential area, zoned R-3.

Topography:
The site slopes up approximately ten feet from street level.

Affected Requirements:
The zoning ordinance requires that there be a 300-foot separation standard between Unrelated Group Family Uses (Section 4.6). The applicant proposes to establish an Unrelated Group Family Use within 200 feet from an approved Unrelated Group Family Use at 3430 6th Avenue.

Conditions to Authorize Variances:

1. Reasonable Return: The proposed variance will improve the return on the property.
2. Unique Circumstances: None.

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

Comments:

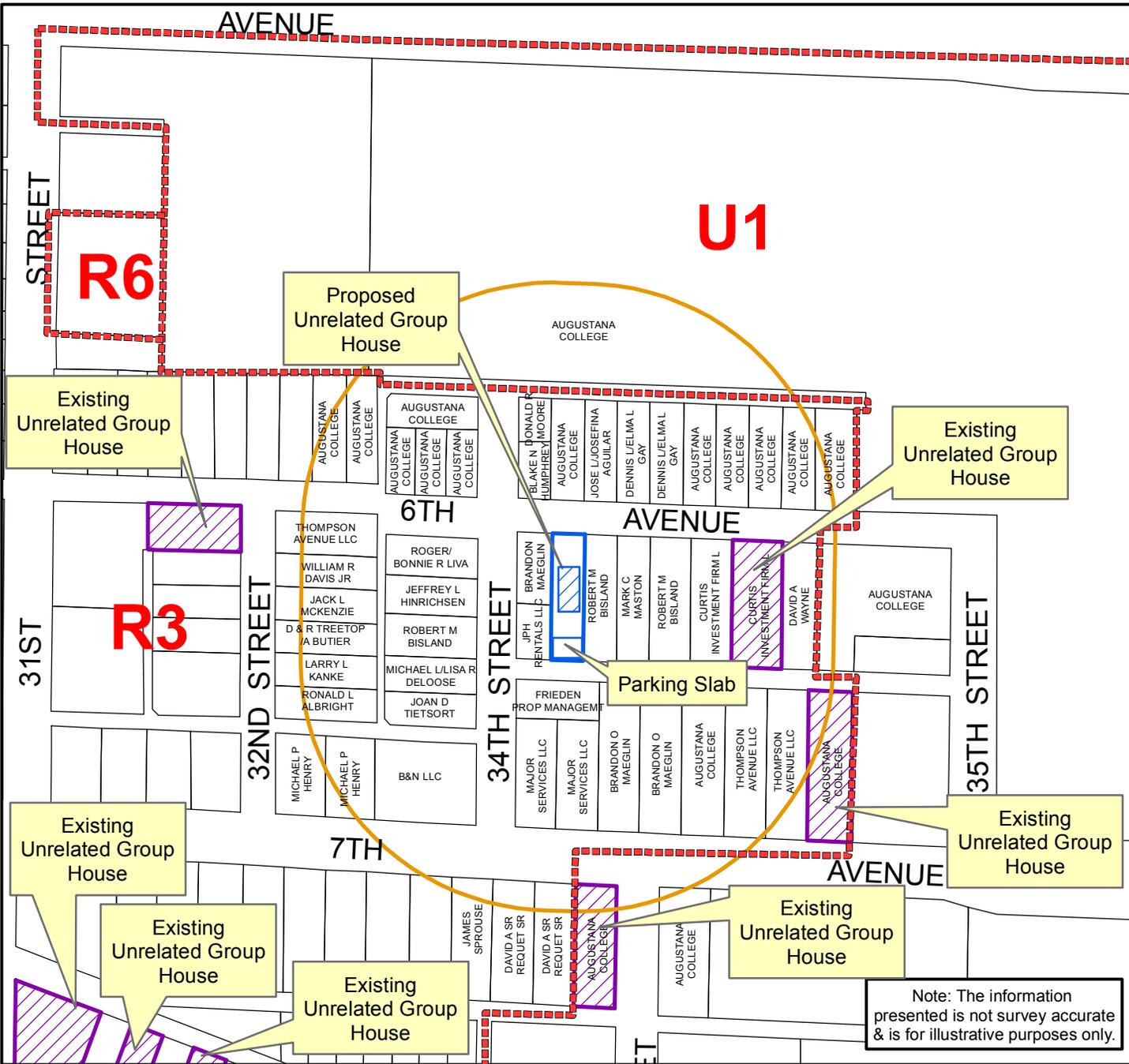
The applicant seeks to lease to four unrelated individuals for the single family dwelling. The Zoning Ordinance requires that Unrelated Group Family Uses not be within 300 feet from an existing similar use. The identified existing Unrelated Group Family Use on this block is located at 3430 6th Avenue (see case map). The applicant is also seeking a separation variance from the existing use for 3414 6th Avenue, which is located 80 feet to the east of the subject site.

The subject property meets the off-street parking requirement because there are four spaces within a concrete parking area located adjacent to the alley in the south rear yard. The Zoning Ordinance only requires two off street parking spaces for any Unrelated Group Family Use.

Recommendation:

That the variance be approved because it will improve the return on the property and it will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2014-20

Legend

- 300 ft Buffer
- Unrelated Group Housing
- Parcels
- Subject Property

DR. BY: K.G.D.

APPR. BY: B.G./A.F.





City of Rock Island

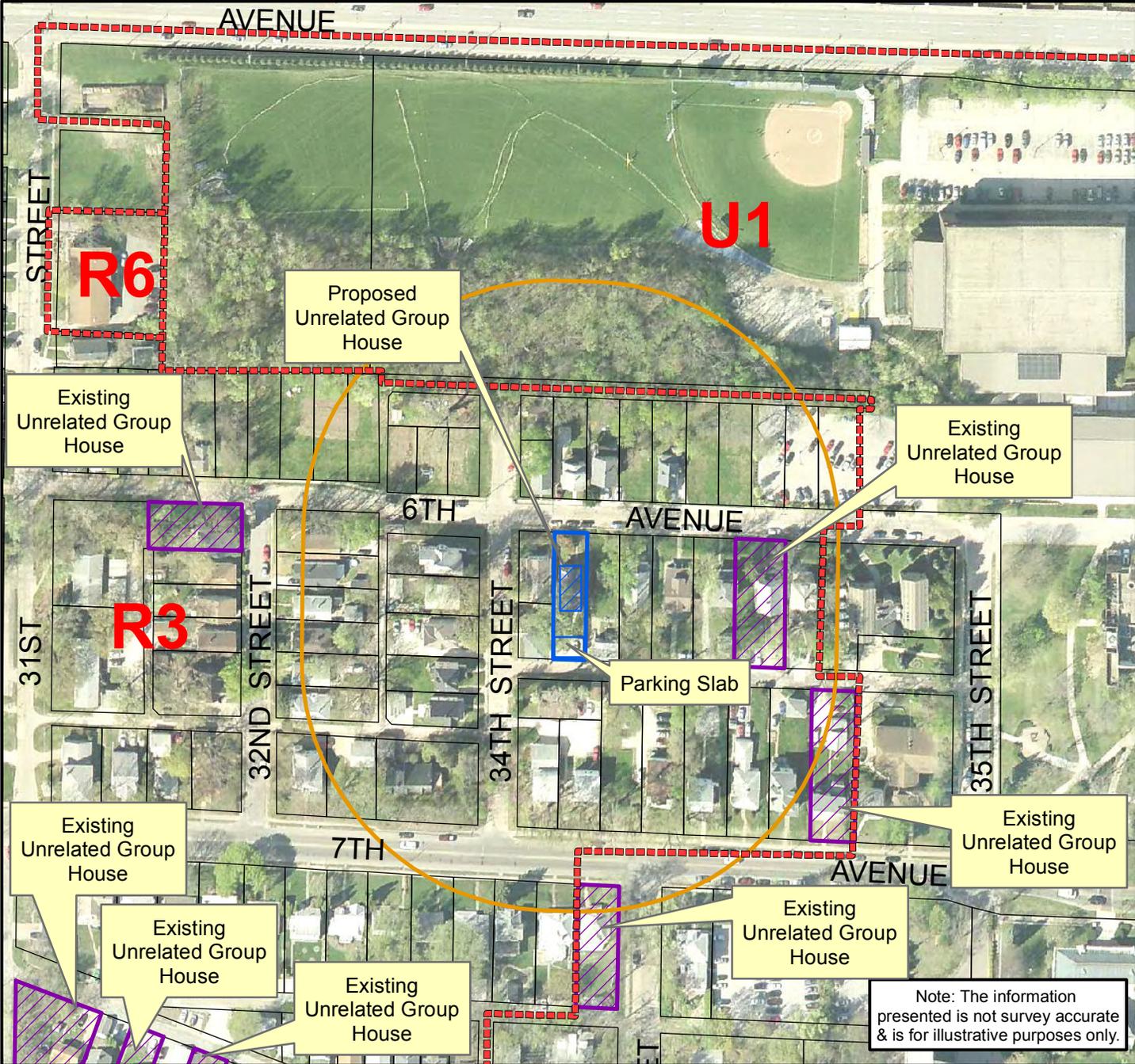
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DEVELOPMENT DEPARTMENT
Planning and Redevelopment



ROCK ISLAND
ILLINOIS

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BOARD OF ZONING APPEALS



**BOARD OF ZONING APPEALS
2014-20 Aerial**

Legend

- 300 ft Buffer
- Unrelated Group Housing
- Parcels
- Subject Property

DR. BY: K.G.D.

APPR. BY: B.G./A.F.





City of Rock Island

COMMUNITY AND ECONOMIC
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Planning and Redevelopment



ROCK ISLAND
ILLINOIS

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REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: July 29, 2014

SUBJECT: Case #2014-21- Request for variance from the separation requirement between Unrelated Group Family Uses in an R-3 (one and two family residence) district.

Applicant:
Robert Bisland

Location:
3414 6th Avenue

Request:
To allow a variance of 250 feet of the 300-foot separation requirement between an existing Unrelated Group Family Use and a proposed Unrelated Group Family Uses in an R-3 (one and two family residence) district.

Size of Property:
The property measures 50' x 150' (approximately 7,484 square feet).

Zoning History:
None.

Existing Land Use and Zoning:
The site is occupied by a single family residence. The neighborhood is primarily a single family residential area, zoned R-3.

Topography:
The site slopes up approximately ten feet from street level.

Affected Requirements:
The zoning ordinance requires that there be a 300-foot separation standard between Unrelated Group Family Uses (Section 4.6). The applicant proposes to establish an Unrelated Group Family Use within 50 feet from an approved Unrelated Group Family Use at 3430 6th Avenue.

Conditions to Authorize Variances:

1. Reasonable Return: The proposed variance will improve the return on the property.
2. Unique Circumstances: None.

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

Comments:

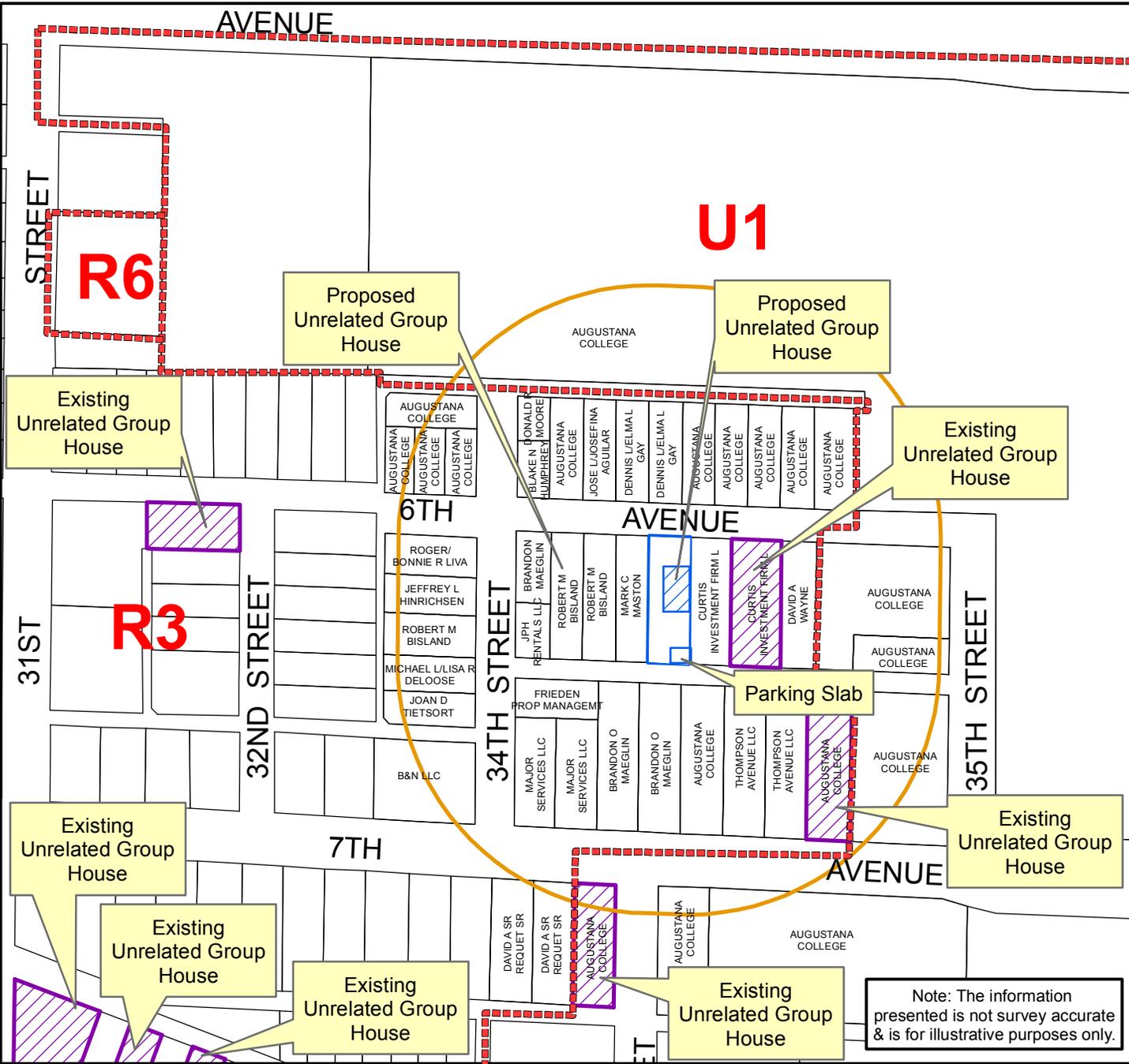
The applicant seeks to lease the single family residence to four unrelated individuals. The Zoning Ordinance requires that Unrelated Group Family Uses not be within 300 feet from an existing similar use. The identified existing Unrelated Group Family Use on this block is located at 3430 6th Avenue (see case map). The applicant is also seeking a separation variance from the existing use for 3406 6th Avenue, which is located 80 feet to the west of the subject site.

The subject property meets the off-street parking requirement because there are two spaces within a concrete parking area located adjacent to the alley in the south rear yard. The Zoning Ordinance only requires two off street parking spaces for any Unrelated Group Family Use.

Recommendation:

That the variance be approved because it will improve the return on the property and it will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2014-21

Legend

- 300 ft Buffer
- Unrelated Group Housing
- Parcels
- Subject Property

DR. BY: K.G.D.

APPR. BY: B.G./A.F.





City of Rock Island

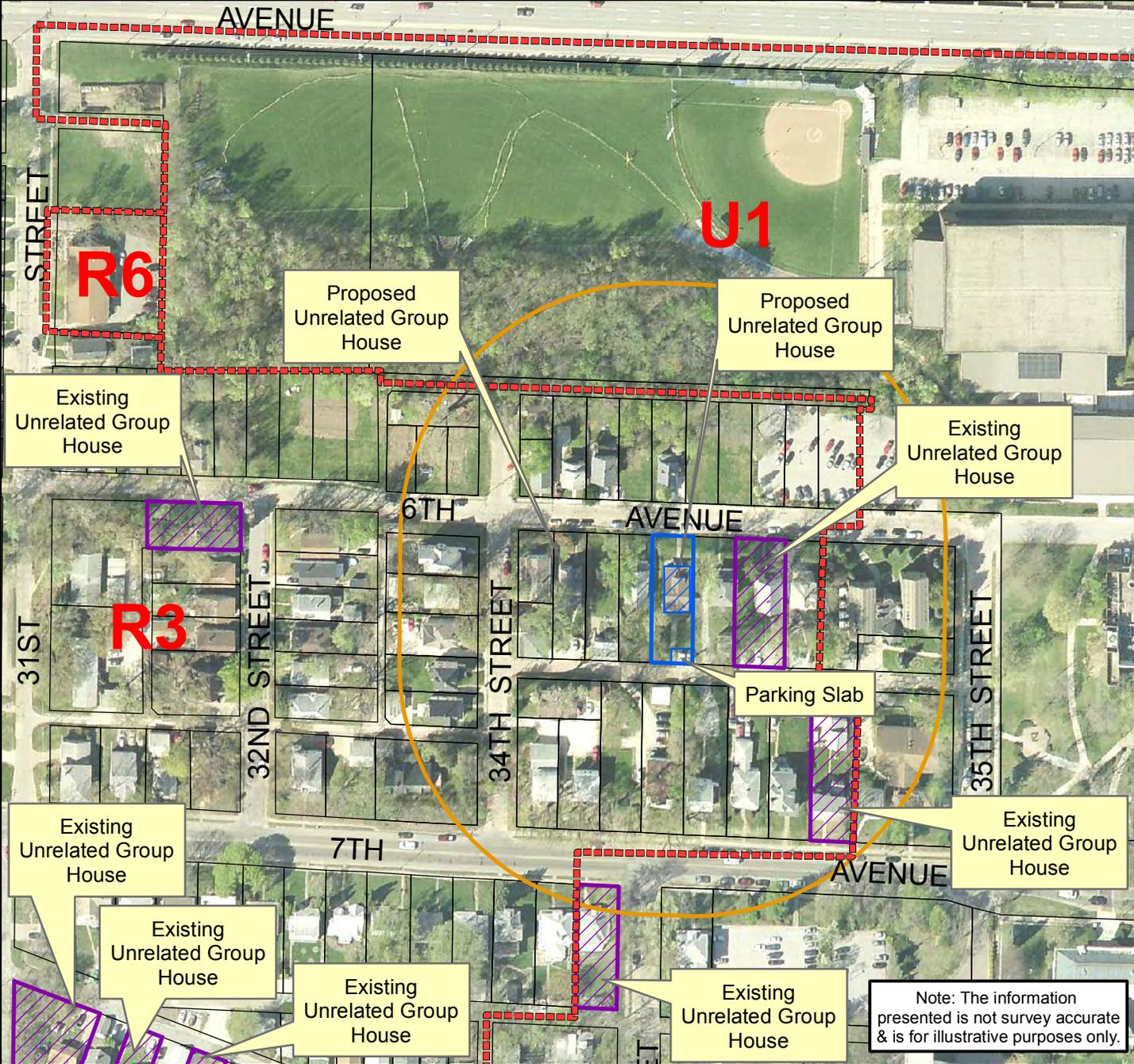
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ILLINOIS

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BOARD OF ZONING APPEALS



**BOARD OF ZONING APPEALS
2014-21 Aerial**

Legend

- 300 ft Buffer
- Unrelated Group Housing
- Parcels
- Subject Property

DR. BY: K.G.D.

APPR. BY: B.G./A.F.





0 50 100 200 300 Feet

City of Rock Island

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DEVELOPMENT DEPARTMENT
Planning and Redevelopment



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ILLINOIS

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REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: July 29, 2014

SUBJECT: Case #2014-22- Request for variances from the maximum height for a fence in a front yard and setback from point of intersection for a fence at an intersection of two streets in an R-3 (one and two family residence) district.

Applicant:
Andy Klockau and Jessica Jackson

Location:
544 23rd Street

Request:
To allow a variance of 1.5 feet of the 3.5-foot maximum height for a fence in a front yard and a variance of 19 feet of the 25-foot setback from point of intersection requirement for a fence at an intersection of two streets in an R-3 (one and two family residence) district.

Size of Property:
The property measures 60' x 90' (approximately 5,399 square feet).

Zoning History:
None.

Existing Land Use and Zoning:
The site is occupied by a single family residence. To the east is a church, zoned R-3. The balance of the neighborhood is primarily a single family residential area, zoned R-3.

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

Affected Requirements:
The zoning ordinance requires a maximum fence height of 3.5 feet in a front yard and a 25-foot setback along property lines at point of intersection of two property lines at an intersection of two streets (Section 8.12). The applicant proposes to erect a five-foot tall wrought iron fence in the east and south front yards.

Conditions to Authorize Variances:

1. Reasonable Return: The proposed setback variance with only a 3.5-foot tall fence will improve the return on the property.
2. Unique Circumstances: The lot is a corner lot with two front yards.
3. Character Alteration: The proposed setback variance with only a 3.5-foot tall fence will not alter the character of the neighborhood.

Comments:

The applicant desires the five-foot tall fence on the double front yard property because they have a dog that could get out over a shorter fence. The setback variance from the point of intersection at the southeast corner of the lot is also being requested to provide a larger fenced-in area for the property owners. The proposed fence will have approximately five inches between the posts and will be located up to the property line along the south and east front yards (except in the case of the six-foot setback from point of intersection). The City Engineer has looked at the site for visibility issues and has no objection to the request as submitted.

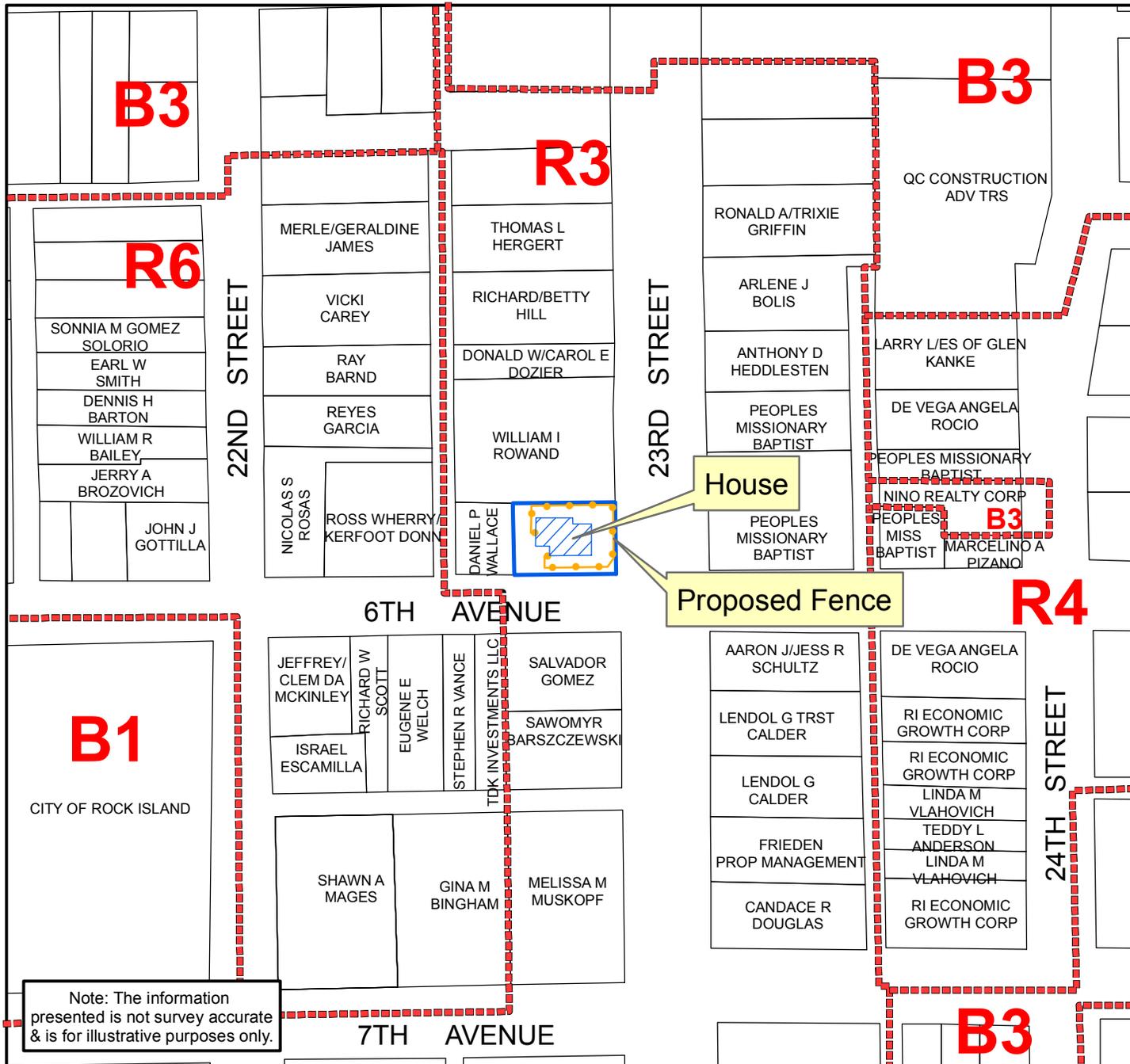
The subject property is a local landmark as is the property located to the north (536 23rd Street). The Preservation Commission has the authority under the Preservation Ordinance to comment on the proposed variance request to the Board. At its July meeting the Commission voted to pass along the comment to support only a 3.5-foot tall fence rather than the proposed five-foot tall fence because a “five-foot tall fence would look disproportionate and out of sync with others in the area” (there is a three-foot three inch tall fence located in the east front yard of 536 23rd Street). Staff also believes that approving a variance to allow a five foot tall fence just to the south of this neighboring property and at this small lot at a visible intersection alters the character of the neighborhood. Staff recommends that a four-foot tall fence would be acceptable.

Recommendation:

That the variances as requested be denied as requested because the property can yield a reasonable return with a shorter fence at the requested setback of 19 feet of the 25-foot setback requirement from point of intersection and the proposed five-foot tall fence will alter the character of the neighborhood.

Staff also recommends that a variance of six inches of the 3.5-foot tall fence height requirement (allowing a four foot tall fence and the proposed variance from point of intersection (19 feet of the 25-foot setback) be approved because it will improve the return on the property, the lot is a corner lot with two front yards and it will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS



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BOARD OF ZONING APPEALS 2014-22

Legend

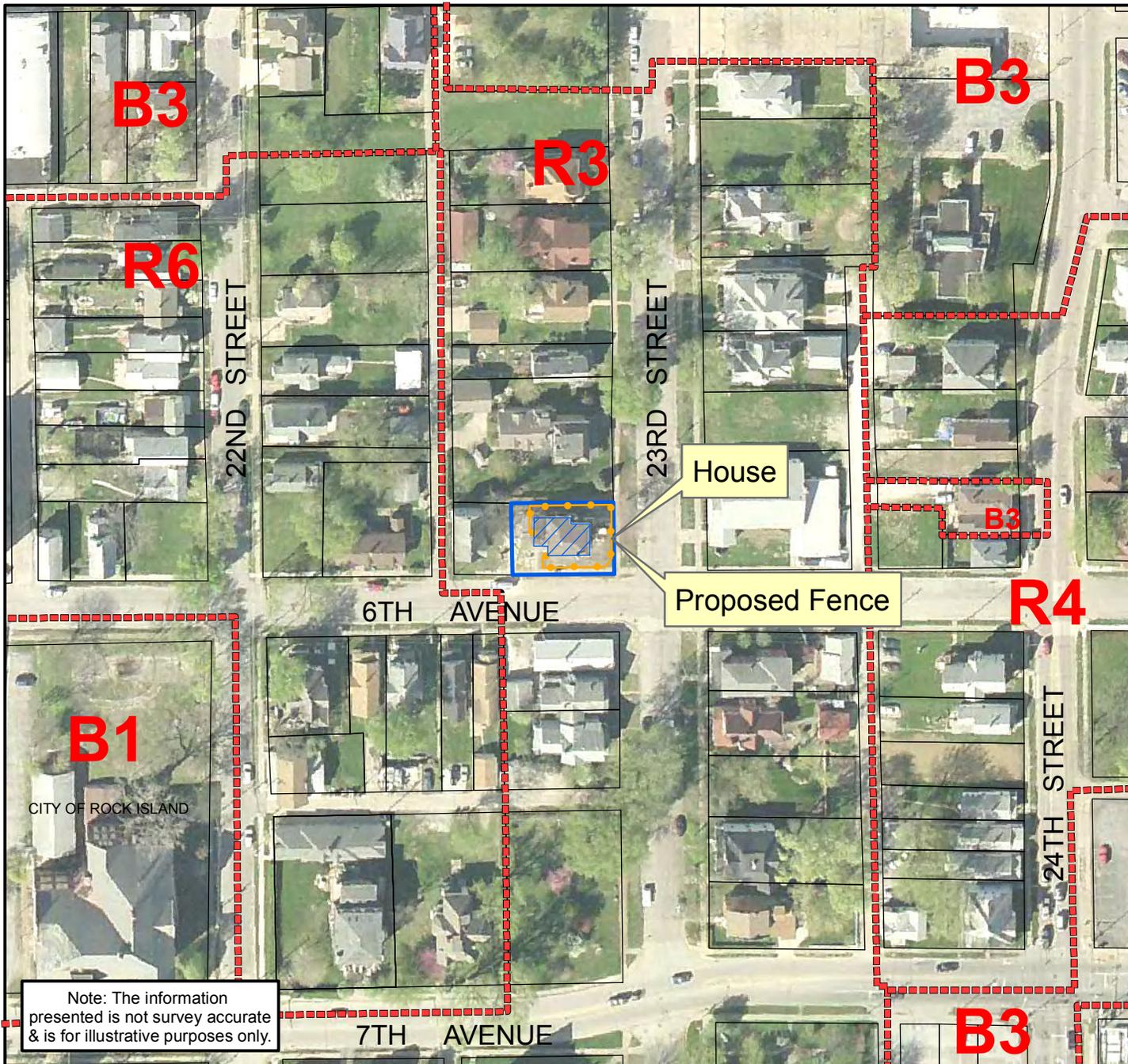
- Parcels
- Subject Property

DR. BY: K.G.D.
APPR. BY: B.G./A.F.

0 25 50 100 150 200 Feet

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

BOARD OF ZONING APPEALS

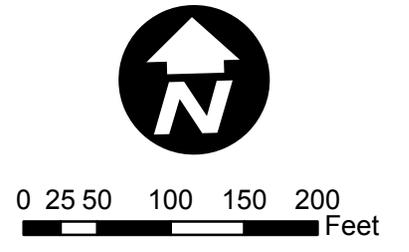


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BOARD OF ZONING APPEALS 2014-22 Aerial

- Legend**
-  Parcels
 -  Subject Property

DR. BY: K.G.D.
 APPR. BY: B.G./A.F.



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