

January 14, 2015

**Rock Island Board of Zoning Appeals
Council Chambers—Third Floor—City Hall
1528 – 3rd Avenue
Regular Meeting Agenda
January 14, 2015
7:00 PM**

1. Call to Order and Roll Call
2. Approval of the minutes of the regular meeting of December 10, 2014
3. Procedural Explanation
4. Public Hearing #2015-01: The applicant, Tim McGuire, has filed a request for a variance of 2.5 feet of the 3.5 foot maximum fence height requirement in a front yard in an R-3 (one and two family residence) district at 804 20th Street.
5. Other Business
6. Adjournment

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

Regular Meeting

7:00 p.m.

December 10, 2014

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

Staff Present: Ben Griffith and Alan Fries

Vice-Chairman McAdam called the meeting to order at 7:00 p.m.

Approval of Minutes – Mr. Wild made the motion to approve the Minutes of the November 12, 2014 meeting. Mr. Day seconded the motion, and it passed unanimously.

Procedural Explanation – Vice-Chairman McAdam explained the procedure to be followed for the public hearing.

Public Hearing #2014-29 - Request from JDH of Rock Island for a variance to locate a first floor residential dwelling unit in a B-2 (central business) district at 1806 3rd Avenue.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires that any living space in a business zoning district be above a first floor commercial space (Section 26.2). The applicant proposes to locate a studio apartment on the first floor rear alley side of the existing structure.

Staff believes that the proposed residential space is an innovative living arrangement that creates downtown housing that is consistent with the Downtown Strategic Plan (2007), RiverVision Plan (2004), the City of Rock Island Consolidated Plan and the State of Illinois' Comprehensive Housing Plan.

Vice-Chairman McAdam called for proponents.

Ryan Marik, 1815 21st Street, was sworn in. He said that approving the variance for the new dwelling unit would be great for downtown because it would bring more residents into the neighborhood.

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

Decision Case #2014-29 – Mr. Wild 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.

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

Public Hearing #2014-30 - Request from Jeff Adamson for a variance of 78 total square feet of the total 37 square foot maximum sign area allowed for a business on a 37 foot wide parcel in a B-2 (central business) district at 220 19th Street.

Mr. Fries presented the staff report. He explained that the Sign Ordinance allows one square foot of total signage for each foot of lot frontage for this 37 foot wide parcel (Section 5 [a] [2]). The applicant proposes to locate an attached business identification sign (19 square feet in area) above an existing non-conforming marquee sign on the east side of the structure.

The applicant proposed the lighted circular identification sign to be located above the marquee sign. The 96 total square foot marquee sign is non-conforming because it already exceeds the maximum 37 square foot total sign area allowed under the current Sign Ordinance (any additional signage on the site would require a variance). The marquee sign was erected when a more liberal ordinance allowed for a greater total sign area for commercial structures.

Vice-Chairman McAdam called for proponents.

Jeff Adamson, 2615 15th Avenue in Moline, was sworn in. He said the proposed sign is in keeping with the same style as the marquee sign. He added that the marquee sign only identifies show times, but does not identify the theatre.

Mr. Tschappat asked about the lighting of the proposed sign and whether it is on a timer to turn off at a set time. Mr. Adamson replied that it will only be lit when there is a show going on during weekends or when others were renting the facility. He said the sign will be turned off after showtime, which is approximately 11:30 p.m.

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

Decision Case #2014-30 – Ms. Jalloh made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. The marquee sign already exceeds the maximum total sign area allowed for the use, but it does not include the business identification logo.
3. The proposed variance will not alter the character of the neighborhood.

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

Public Hearing #2014-31 - Request from Donald Hartwig for a variance of five feet of the six foot separation requirement between accessory structures in an R-2 (one family residence) district at 2016 36th Street.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that there be a six foot separation between accessory buildings on a residential property (Section 8.5A). The applicant proposes to locate a detached carport (12' x 19' 10") in the east rear yard.

The applicant has a one car detached garage and proposes to locate the one-stall carport to within one foot from the existing garage. Currently, there is a concrete parking pad at this location and the rear yard slope up approximately two feet in the yard area to the west and south.

Vice-Chairman McAdam called for proponents.

Donald Hartwig, 2016 36th Street, was sworn in. He said that it would cost him an additional \$2,000 to construct the carport because he would need to excavate his rear yard to meet the six foot separation requirement in the Zoning Ordinance.

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

Decision Case #2014-31 – Mr. Day made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. The rear yard slopes up two feet to the south and west of the location proposed for the carport.
3. The proposed variance will not alter the character of the neighborhood.

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

Other Business:

Mr. Griffith informed the Board that there is one item for the January regular meeting. 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:

Vice-Chairman McAdam adjourned the meeting at 7:31 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: December 22, 2014

SUBJECT: Case #2015-01 Request for a variance from the maximum fence height in a front yard in an R-3 (one and two family residence) district.

Applicant:
Tim McGuire

Location:
804 20th Street

Request:
To allow a variance of 2.5 feet of the 3.5-foot maximum fence height requirement in a front yard in an R-3 (one and two family residence) district.

Size of Property:
The property measures 80' x 140' (11,200 square feet).

Zoning History:
None.

Existing Land Use and Zoning:
The site is occupied by a single family residence. To the south, east and west are single family residences, zoned R-3. To the north is the Rock Island County Children's Advocacy Office, zoned R-3.

Topography:
The rear yard slopes up approximately two feet from street level.

Affected Requirements:
The zoning ordinance requires that fences not exceed 3.5 feet in height in a front yard on a residential zoned property (Section 8.12). The applicant proposes to complete construction of a 6-foot tall privacy fence in the north front yard.

Conditions to Authorize Variance:

1. Reasonable Return: The proposed variance for a 4-foot tall fence (in place of a 6-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 variance for a 4-foot tall fence (in place of a 6-foot tall fence) will not alter the character of the neighborhood.

Comments:

Staff received an inquiry from a citizen about the fence in relation to City regulations. Staff contacted the property owner and the applicant indicated that he has recently purchased the property and was not aware of the regulations when he started to construct a 6-foot tall privacy fence in the north front yard. He indicates that his family desires a taller fence for better privacy and security because they have a little girl and a dog.

The property is located near a local landmark to the south (816 20th Street) and is also located in a National Registry historic district. The Preservation Ordinance allows for comment to the Board on any variance requests located near to local landmarks (see attached memorandum with the comment that the Board deny the request).

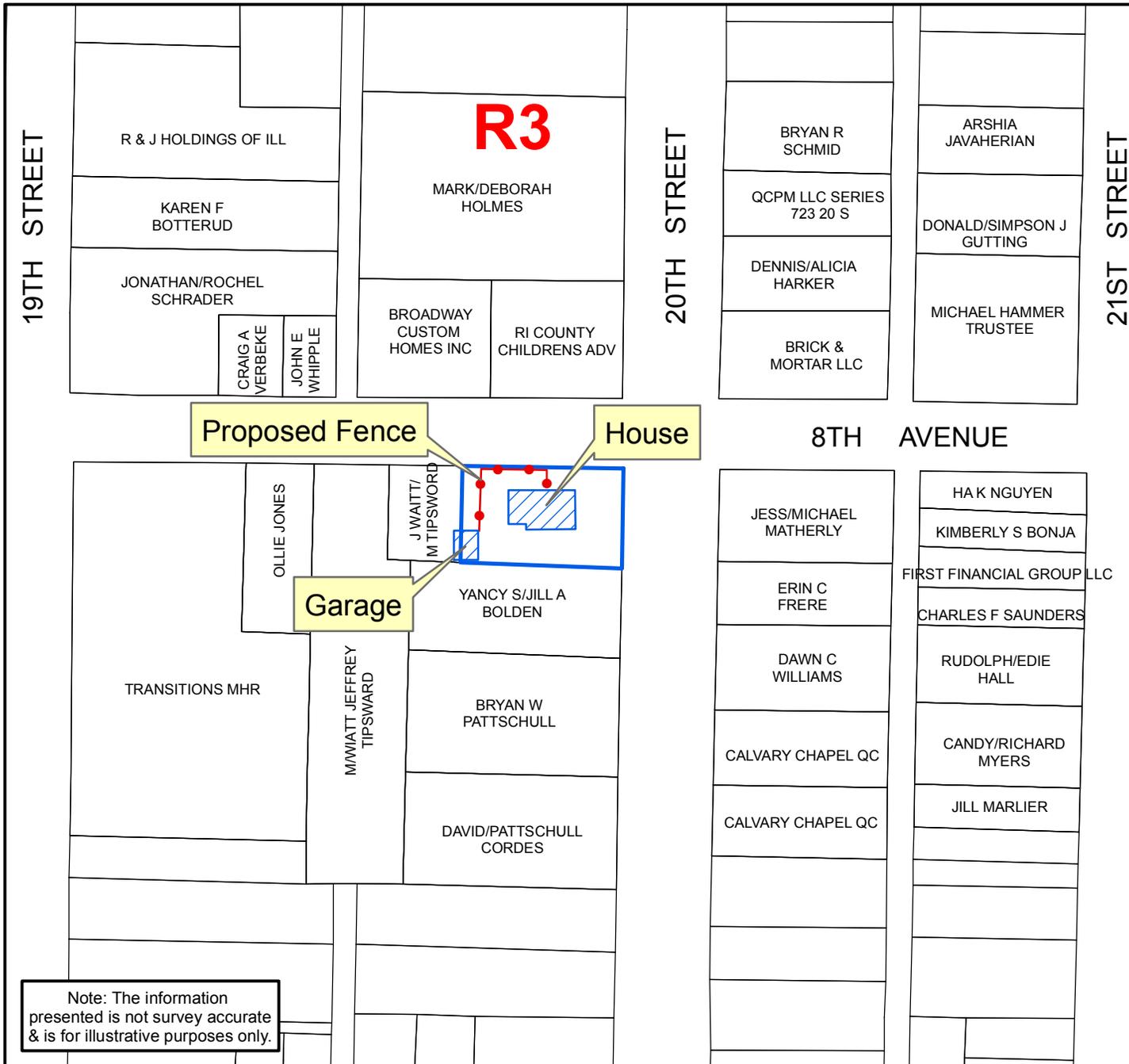
Staff agrees that a 6-foot tall privacy fence would alter the character of this historic neighborhood, but understands the concerns for better privacy and security on a corner lot on a busy street. Staff believes that a 4-foot tall privacy fence would not alter the character of the neighborhood.

Recommendation:

That the variance for a 6-foot tall fence be denied because the property can yield a reasonable return without that variance and it would alter the character of the neighborhood.

Staff further recommends that the Board approve a variance of six-inches of the 3.5 foot maximum height requirement to allow a 4-foot tall privacy fence 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



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

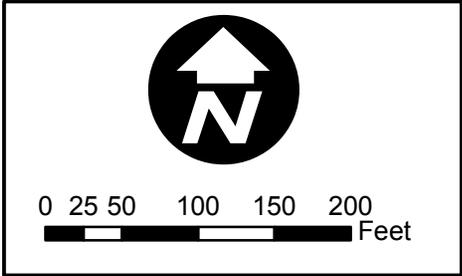
BOARD OF ZONING APPEALS 2015-1

Legend

Parcels
 Subject Property

DR. BY: K.G.D.

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



City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment

BOARD OF ZONING APPEALS



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

BOARD OF ZONING APPEALS 2015-1 Aerial Legend

-  Parcels
-  Subject Property

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



City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment







ROCK ISLAND
ILLINOIS

MEMORANDUM

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

TO: Board of Zoning Appeals
FROM: Ben Griffith, AICP, Planning & Redevelopment Administrator
SUBJECT: Comments by Preservation Commission for Variance at 804 – 20th Street
DATE: December 18, 2014

The City of Rock Island's Preservation Commission considered the variance request for 804 – 20th Street at their regular meeting of December 17, 2014. The property is not a locally-designated landmark, but is located within the Broadway Historic District, a National Registry historic district. The applicant is requesting a 6-foot high solid wood fence in a front yard setback in lieu of the 42 inches allowed by the zoning ordinance.

The Commissioners discussed the height of the fence as well as the materials with which it is to be constructed. They expressed concerns about allowing a variance in a front yard building setback and were opposed to a solid fence that would appear like a "fortress" in a historic district. Several options were suggested and discussed at length by the Commissioners. They suggested the applicant review the City's approved residential design guidelines in order to see what is allowed by ordinance and adhere to it and that the pages applicable to fences be provided to the Board of Zoning Appeals for their reference when they consider the variance request.

After further discussion, Commissioner Lo Milani made a motion to recommend denial of the fence height variance as requested and suggested that the applicant follow the approved residential design guidelines to provide direction on what would be aesthetically complimentary in a historic residential district. The motion was seconded by Commissioner Anthony Heddlesten and approved unanimously by the other members of the Preservation Commission.

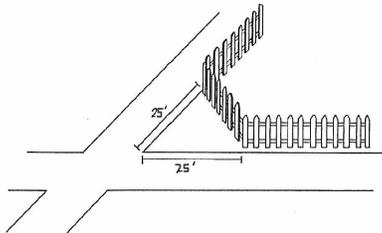
Fences

Though fences are not much evident today throughout Rock Island's historic neighborhoods, in the past they were used quite frequently. The Preservation Commission recommends fences that are appropriate to the size and scale of the property. Fences appropriate for the front yards of historic neighborhoods are low (no taller than 42 inches) and visually open. Close, flat boards are not recommended. In addition, elaborate buildings usually had brick or ornate iron fences, while simpler buildings had wooden picket fences. Some of the more humble cottages may have even had woven wire fences. The Commission does not recommend the following types of fences: chainlink, cyclone, wood lattice, weathered wood (unpainted), vinyl or other solid fences. Some of these restrictions are relaxed for rear yards.



Inappropriate fence styles for historic houses do not reveal house details or relate in materials.

Some of the more humble cottages may have even had woven wire fences. The Commission does not recommend the following types of fences: chainlink, cyclone, wood lattice, weathered wood (unpainted), vinyl or other solid fences. Some of these restrictions are relaxed for rear yards.



Tall hedge rows in front yards are also not recommended, since they block the view of the house from the street. Restrictions for blocking view are especially tight on corner properties, where view cannot be restricted by a fence for 25 feet from the intersection of the public right of way.

Fences on corner properties must be set back 25 feet.



Appropriate fence styles for historic houses are more open.

Retaining Walls

Since Rock Island is built in to the bluffs above the Mississippi, some historic neighborhoods have an abundance of retaining walls. These walls were typically constructed of stone blocks. Where possible these stone walls should be saved and repaired or rebuilt. Covering these walls with a stucco or concrete finish is not acceptable unless the walls were originally covered. Landscape timber should not be used for retaining walls in front yards or the front half of side yards. Other types of retaining wall material will be reviewed on a case by case basis.



Serving local governments in Muscatine and Scott Counties, Iowa;
Henry, Mercer and Rock Island Counties, Illinois.

MEMORANDUM

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VICE-CHAIR
John Thodos
SECRETARY
Phillip Banaszek
TREASURER
Marty O'Boyle

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Tom Sunderbruch, Member
Jazmin Newton-Butt, Citizen
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Bill Stoermer
Jim Tank
Rory Washburn
Executive Director
Denise Bulat

TO: Bi-State Regional Commission Member Government Mayors, Village Board Presidents, Board of Supervisor Chair, Clerks and Administrators, Planners and Zoning Officials
FROM: Patty Pearson, Senior Planner
DATE: September 9, 2014
RE: APA Training Series on Planning and Zoning Issues

For a 13th year, the Bi-State Regional Commission will be hosting a series of audio/visual-conferences sponsored by the American Planning Association (APA). The dates and topics are listed below. These audio conferences are one and a half hours in length.

All audio/visual-conferences will be held on the Third Floor of Rock Island County Office Building, 1504 Third Avenue, Rock Island at 3:00 p.m. The public entrance to the building is from Third Avenue. Please plan to arrive prior to 3:00 p.m. to sign in and review the materials.

Attendance of planning staff, planning and zoning commissions/boards, and boards of adjustment members is strongly encouraged. This is a terrific training opportunity for your planning and zoning commissions and is provided as part of your Bi-State Regional Commission membership. All Topical Audio/Web Conferences have been approved for 1.5 Continuing Maintenance Credits.

September 24, 2014 – 3:00 p.m. to 4:30 p.m.

Post Disaster Recovery in a Changing Climate (1.5 hours)

Demographic shifts and climate change are making disasters bigger and costlier. Gradually, the nation is moving toward a more effective long-term recovery, while communities are working to become more resilient. However, greater resilience calls for more sophisticated planning. Do you have the tools for a safer, stronger community? Learn about the next generation of post-disaster recovery planning from the people who wrote the book, and the new edition. This program is also suitable for planning commissioners. Cosponsored by FEMA.

November 5, 2014 – 3:00 p.m. to 4:30 p.m.

Health Equity and Planning Ethics (1.5 hours)

Equity and ethics are not identical, but they do intersect. Listen as AICP planners and allied health professionals probe this important topic. How is health equity being addressed, and how does it relate to planning? What ethical codes do public health professionals follow, and where is the intersection with planning ethics? Examine the role equity plays in various ethical frameworks and find out how communities and planners are taking on health equity. Cosponsored by the American Institute of Certified Planners.

February 18, 2015 – 3:00 p.m. to 4:30 p.m.

Sustaining Places through the Comprehensive Plan (1.5 hours)

Sustainability and comprehensive planning can run on two separate tracks within local government. To create sustaining places, the programs have to come together, but how? APA has worked with 13 communities to develop standards for integrating sustainability into comprehensive plans. Hear about the standards and the goals behind them. Find out what goes into the plan, and get tips for successful public participation and plan implementation. Officials and their staff will see what makes a good comprehensive plan and how it can guide the community's future. Cosponsored by the Lincoln Institute of Land Policy.

1504 Third Avenue, P.O. Box 3368, Rock Island, Illinois 61204-3368
Phone (309) 793-6300, Fax (309) 793-6305
E-mail: info@bistateonline.org • Website: www.bistateonline.org

March 12, 2015 – 3:00 p.m. to 4:30 p.m.

Using Subdivision Regulations in the 21st Century (1.5 hours)

Subdivision regulations are a critical tool for land development regulation. They can address the demands of growing communities or the redevelopment of infill sites. In this lecture, learn the legal basis and parameters for subdivision controls. Explore standards for subdivision control and typical subdivision processes. The presenter will discuss new subdivisions, re-subdivision, plat vacation, and lot-line adjustments. A major focus is on how subdivision controls can be used alone – e.g. in rural communities that lack zoning, how they fit into a comprehensive regulatory system, and how they relate to zoning or form-based codes. Cosponsored by the American Institute of Certified Planners.

June 3, 2015 – 3:00 p.m. to 4:30 p.m.

The Planning Office of the Future (1.5 hours)

New technologies and evolving expectations are a couple of the variety of forces that are changing the way planners work, the skills they need, even the issues they address. An APA task force recently spent a year looking into the planning office of the future. Learn about the findings and hear what practitioners have to say about recent changes, current conditions, and the shape of things to come. Whether your office is public, private, or nonprofit, change is coming. How will you respond, and how will you lead? Cosponsored by the American Institute of Certified Planners.

June 24, 2015 – 3:00 p.m. to 4:30 p.m.

2014 Planning Law Review (1.5 hours)

Planning feels the impact of decisions from the U.S. Supreme Court, federal district courts, and state courts. How will their rulings affect you? Get a briefing on the year's legal developments, from First Amendment issues to environmental actions, housing, and equal access. Presenters also will discuss major legislative initiatives and APA's amicus filings. Join in a lively, informative program you and your staff, colleagues, and officials will not want to miss. This program is also suitable for planning commissioners. Cosponsored by the American Institute of Certified Planners.

Participants can register by contacting Bi-State prior to the conference date. E-mail reminders will go out one week prior to each Audio Conference. Bi-State will provide copies of materials for those that pre-register, including agenda and presentation handouts. We ask that participants arrive by 2:45 p.m. Please forward this notice to appropriate staff and volunteers.

Contact me at (309) 793-6302, Ext. 138 or via e-mail at ppearson@bistateonline.org to register or for questions. For those calling long distance, you may contact me toll-free at 1-888-BISTATE. I hope you find this years' series a helpful training tool to enhance planning and development within your community/county. APA's motto is Making Great Communities Happen. I look forward to facilitating this vision in our region.



ROCK ISLAND
ILLINOIS

City of Rock Island Board of Zoning Appeals 2015 Public Meeting Schedule

Submittal Deadline	Meeting Date
November 11, 2014	December 10, 2014
December 9	January 14
January 9	February 11
February 6	March 11
March 6	April 8
April 3	May 13
May 8	June 10
June 5	July 8
July 2	August 12
August 7	September 9
September 4	October 14
October 9	November 11
November 6	December 9
December 4, 2015	January 13, 2016

Meetings are generally the second Wednesday of the month, beginning at 7:00 PM and are held in the Council Chambers (Third Floor) at City Hall, 1528 – 3rd Avenue