

May 13, 2015

**Rock Island Board of Zoning Appeals
Council Chambers—Third Floor—City Hall**

1528 – 3rd Avenue

Regular Meeting Agenda

May 13, 2015

7:00 PM

1. Call to Order and Roll Call
2. Approval of the minutes of the regular meeting of April 8, 2015
3. Procedural Explanation
4. Public Hearing #2015-05: The applicant, Luis and Tammy Gallegos, have filed a request for a special exception to change a non-conforming six-foot tall chain-link fence located in a south front yard to a six-foot tall chain-link fence with vinyl privacy slats in the same front yard location in an R-3 (one and two family residence) district at 1323 25th Street.
5. Other Business
6. Adjournment

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

Regular Meeting

7:00 p.m.

April 8, 2015

ATTENDANCE:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
(x) Kevin Day		(x) Karen Williams
(x) Dave McAdam		<input type="checkbox"/> Larry Tschappat
(x) Gary Snyder		(x) Robert Wild
(x) 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. McAdam made a motion to approve the Minutes of the March 11, 2015 meeting. Mr. Wild seconded the motion, and it passed unanimously.

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

Public Hearing #2015-04 - Request from Augustana College for a variance of 200 feet of the 300 foot separation requirement between an existing Unrelated Group Family Use and a proposed Unrelated Group Family Use and a variance to allow up to seven unrelated individuals to reside on the site from the maximum of five unrelated individuals for a proposed Unrelated Group Family Use in an U-1 (college and university) district at 3203 10th Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that there be a 300-foot separation standard between Unrelated Group Family Uses and a maximum number of approved unrelated residents of no more than five (Section 4.6). The applicant proposes to establish an Unrelated Group Family Use within 100 feet from an approved Unrelated Group Family Use and also have up to seven residents on the site.

The closest identified existing Unrelated Group Family Use is located to the northwest of the subject site at 3052 9th Avenue. A second Augustana operated Unrelated Group Family Use located within 300 feet is located at 3037 10th Avenue (see case map for both locations).

The Zoning Ordinance requires two off street parking spaces for any Unrelated Group Family Use. Two additional spaces for the two residents over the five resident limits are required (total of four spaces required by the Zoning Ordinance for proposed use with seven unrelated residents).

The subject property meets the off-street parking requirement because there are four improved driveway spaces in the north rear yard off of the alley. There are also two additional spaces on

site adjacent to a detached garage off of 32nd Street (there is a no parking limitation on these two spaces from 8:00 a.m. to 5:00 p.m.). A College representative indicates that these spaces could be used during evening hours by residents and/or guests. The College representative also indicates that additional parking could be made available in a rear yard parking area at 3051 10th Avenue (located on another College owned residential site to the west across 32nd Street).

He said two comments had been received from neighbors. The first was from Mary Ann Parrish, 3215 10th Avenue, who said there has been 11 students living in the residence in the past and she wanted to be assured there would be no more than seven living there if the variances were approved. The second was from Erma Gripp, 3222 9th Avenue, who also indicated there have been 11 residents in the past. She was concerned about parking issues on the site and in the neighborhood.

Chairman Snyder called for proponents.

Joseph Scifo, Augustana College Director of Facilities Services and resident at 2052 3rd Avenue, was sworn in. He said the College was in the process of renovating the structure for up to seven residents.

Mr. Wild asked why the College needed to have seven people reside in this building. Mr. Scifo replied that it is a large residence that could even house more than seven, but the College believed that a maximum of seven would cause less impact on the building and neighborhood. He added that there are seven bedrooms in the structure, so every resident could have their own bedroom.

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

Decision Case #2015-04 – Mr. Wild said he would like to discuss the request prior to a motion being made.

Chairman Snyder said that a motion needs to be made first, and then discussion can follow.

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. McAdam seconded the motion.

Mr. Wild said he still has a little problem with the total number of residents proposed for the site as he is not certain the College can handle the total number for the residence.

Ms. Williams said no one has objected to the total number for the site and there is adequate parking available on site, or nearby, for the seven residents.

Mr. McAdam stated that there has been an evolution in approving these requests during the past 12 years, as originally there was more opposition and now there is not any opposition. He said the request meets the ordinance parking requirements and he does not think there will be problems at the site.

Chairman Snyder said that 12 years ago there were more private single family homeowners in the neighborhood, but now the College owns more and more properties in the area.

Mr. Day asked if the College would be paying property taxes on the property. Mr. Fries replied that in the past there have been a combination of some College owned residences filing for tax exemption and others the College paid property taxes on. He did not know the status of the subject property.

As no one else wished to speak, Chairman Snyder called for a vote on the motion to approve the request and it passed with Mr. McAdam, Ms. Jalloh, Ms. Williams and Chairman Snyder voting aye and Mr. Wild and Mr. Day voting nay.

Other Business:

Mr. Griffith informed the Board that there will be one case on the agenda for the May 13th 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:

Chairman Snyder adjourned the meeting at 7:25 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Ben Griffith". The signature is written in a cursive style and is positioned above the typed name and title.

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: May 5, 2015

SUBJECT: Case #2015-05- Request for a special exception to change a non-conforming six-foot tall fence located in a front yard in an R-3 (one and two family residence) district.

Applicant:
Luis and Tammy Gallegos

Location:
1323 25th Street

Request:
To allow a special exception to change a non-conforming six-foot tall chain-link fence located in a south front yard to a six-foot tall chain-link fence with vinyl privacy slats in the same front yard location in an R-3 (one and two family residence) district.

Size of Property:
The property measures 40' x 140' (5,600 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 neighborhood, zoned R-3.

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

Affected Requirements:
The zoning ordinance requires Board authorization to alter a non-conforming use (Section 5.12) and 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 place vinyl slats in the existing six-foot tall chain-link fence in the south front yard.

Conditions to Authorize Special Exception:

1. Reasonable Return: The proposed variance will provide better privacy and will also improve the return on the property
2. Unique Circumstances: The lot is a corner lot with two front yards.
3. Character Alteration: The proposed special exception will not alter the character of the neighborhood.

Comments:

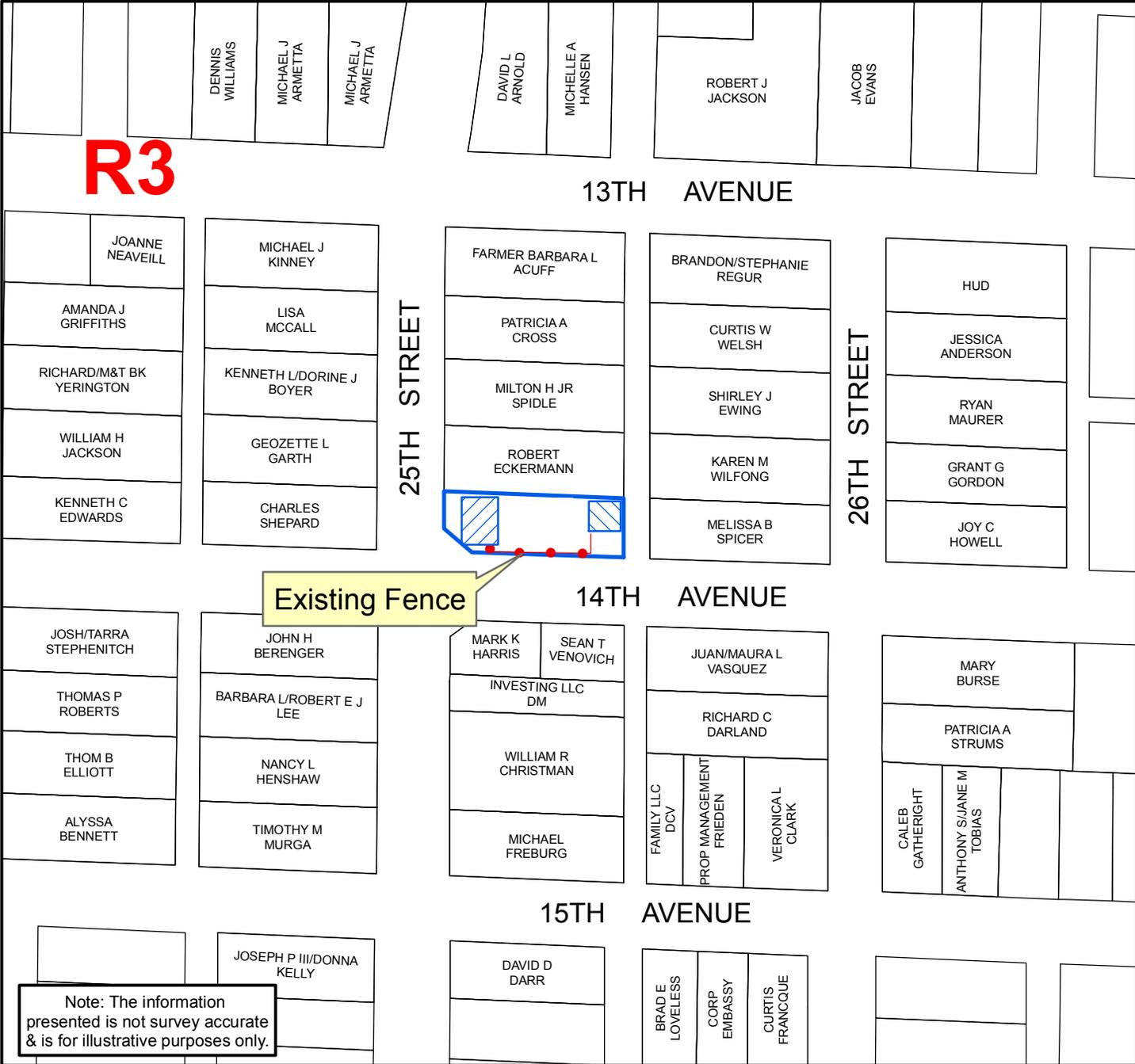
The existing fence extends approximately five feet into the south front yard from the south façade of the residence (see attached photos). This fence had been located on the property prior to the change in the Zoning Ordinance that no longer allowed six foot tall fences to be located in a front yard. The applicants have a back yard swimming pool and a dog and desire to have more privacy from people walking down 14th Avenue. They indicate that children have teased their dog while it is out in the dog run.

The City Engineer has looked at the request and determined that locating privacy slats in the existing fence will not result in a visibility problem to traffic or pedestrians.

Recommendation:

That the special exception 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
2015-5

Legend

Parcels

Subject Property

DR. BY: K.G.D.

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

0 20 40 80 120 160
Feet

City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment

ROCK ISLAND
ILLINOIS

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2015-5 Aerial Legend

-  Parcels
-  Subject Property

DR. BY: K.G.D.

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



0 20 40 80 120 160
Feet

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