

November 11, 2015

**Rock Island Board of Zoning Appeals
Council Chambers—Third Floor—City Hall
1528 – 3rd Avenue
Regular Meeting Agenda
November 11, 2015
7:00 PM**

1. Call to Order and Roll Call
2. Approval of the Minutes of the regular meeting of October 14, 2015
3. Approval of the written Agenda
4. Procedural Explanation
5. Public Hearing #2015-20: The applicant, Jeb and Amanda Makula, have filed a request for a variance of 1 foot of the 6-foot maximum fence height in a rear yard in an R-3 (one and two family residence) district at 1617 37th Street.
6. Public Hearing #2015-21: The applicant, Jamie and Joy McDonald, have filed a request for a variance of 6 inches of the 3.5-foot maximum fence height in a front yard and a special exception to expand a non-conforming use in an R-3 (one and two family residence) district at 4002 7th Avenue.
7. Public Hearing #2015-22: The applicant, Alphonso Dickerson, has filed a request for a special exception to allow a temporary use for up to six months to continue to locate two trailers and a metal salvage dumpster on an unimproved surface and a variance to locate the metal salvage dumpster permanently on the site in an R-3 (one and two family residence) district at 601 9th Avenue.
8. Other Business
9. Adjournment

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

Regular Meeting

7:00 p.m.

October 14, 2015

ATTENDANCE:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
(x) Kevin Day		(x) Karen Williams
(x) Dave McAdam		(x) Larry Tschappat
() 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. Tschappat made a motion to approve the Minutes of the September 9, 2015 meeting. Mr. Day seconded the motion, and it passed unanimously.

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

Public Hearing #2015-10 - Request from Rodney Link for a special exception for a one-year temporary use for a gravel parking lot in an R-3 (one and two family residence) district at 1715 28th Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires Board authorization for a temporary use, which can be up to one year in duration (Section 5.13). The applicant proposes to construct a two-vehicle gravel parking area for up to one year, to allow the ground to compact after removing a large tree from the site.

The applicant removed a large tree from this location and desires the one year time period for the area to settle before he improves the parking area with asphalt or concrete.

Vice-Chairman McAdam called for proponents.

Rodney Link, 1715 28th Street, was sworn in. He said he took down a large tree in the yard and wants a year for the ground to settle before putting a concrete pad in the area. He said he has talked to neighbors and no one has an objection.

As no one else wished to be heard, Vice-Chairman McAdam closed the public hearing.

Decision Case #2015-10– Ms. Jalloh made a motion to approve the request because:

1. The proposed temporary use will improve the return on the property.
2. The proposed temporary use will allow for the area to settle following excavation of a

large tree from the location.

3. The proposed temporary use will not alter the character of the neighborhood.

Mr. Wild seconded the motion and it passed unanimously.

Public Hearing #2015-17 - Request from Alan Carmen of Rock Island Township for a variance to install two signs (an 8 square foot unlighted sign and a lighted freestanding sign up to 19 square feet) and a variance of 9 feet of the 10-foot setback requirement from all property lines for a freestanding sign for an institutional use (Rock Island Township Hall) in an R-3 (one and two family residence) district at 2827 7th Avenue.

Mr. Fries presented the staff report. He explained that the Sign Ordinance requires that there only be one unlit sign (attached or freestanding) and a 10-foot setback for freestanding signs for institutional uses (churches or other similar uses) in residential zoning districts (Section 6 [a] {6}). The applicant proposes to erect a 2' x 4' unlighted attached sign on the north façade of the structure and either an 19 square foot internally lighted freestanding sign or a 19 square foot LED message board freestanding sign, 6 feet in height from grade to top of sign located 1 foot from the south property line in the south front yard.

The applicant will remove all attached signs from the property and install one unlit attached sign (8 square feet in total) on the north building façade adjacent to the rear entrance off a parking lot. This, and two of the proposed freestanding signs, include a new logo for the Township and support their desire to pass along information to township residents.

Currently, there is not a freestanding sign on the property. The applicant has submitted four freestanding sign proposals and is seeking approval to allow only one of the four proposed signs for the property in the "scope of work" sign bid proposal, which were included with the staff report.

All freestanding sign proposals would be for the lighted sign, approximately 19 square feet in area, 6 feet in height and setback 1 foot from the south property line. Three of the signs (Options B, C and D) would have an LED message display, while Option A is the only proposal for a lighted sign cabinet with no digital message board. If the Township receives a bid that fits within their financial allowances, they hope to locate Option D on the site, which includes an LED display with a top nameplate that will include the new township logo. If the Board does not consider approving Option D the applicant is asking them to consider any one of the other options for approval. Finally, the applicant has indicated their agreement to set the lighting on any of the freestanding signs on a timer set to turn off the sign lights at 9:00 p.m. Staff recommends that the Board place this stipulation on the decision.

Vice-Chairman McAdam called for proponents.

Alan Carmen, Rock Island Township Supervisor located at 2827 7th Avenue, was sworn in. He said two attached signs will be removed and an unlit attached sign will be located on the north façade adjacent to a lighted parking lot. He said the proposed freestanding sign they desire will

be lighted and have a message board to identify activities at the Township Hall. He said they will open bids on Friday, October 16, 2015, to see if they receive a bid for the message board sign the Township can budget for. He added that if that bid does not meet their finances, they ask the Board to approve other types of lighted freestanding signs identified in the information in their packets.

Ms. Williams said they have presented four options and asked if he would like the Board to identify all four of the option as A, B, C and/or D, if they approve a motion to approve the request for a lighted freestanding sign. Mr. Carmen replied that perhaps the best way is to make a motion to approve setback and lighting variances for the digital sign with the understanding that all the other options can also be erected at the site.

Mr. Wild clarified that if the Board approved Option D with the digital sign that would mean all the other options would be acceptable. Mr. Carmen replied that it would get the same result as identifying all four options in a motion.

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

Decision Case #2015-17– Mr. Wild made a motion to approve the request because:

4. The proposed variances will help identify activities at the Township Hall.
5. The proposed variances will not alter the character of the neighborhood.

He added the stipulation to have the lights of the freestanding sign be set on a timer to turn off at 9:00 p.m.

Mr. Day seconded the motion and it passed unanimously.

Public Hearing #2015-18 - Request from Jaswinder Singh for a variance of 3-stack space requirement for a commercial drive-thru facility in a B-3 (community business) district at 722 11th Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a 6-vehicle stacking space requirement for drive-thru facilities in a business zoning district (Section 8.14D {13}). The applicant proposes to have 3-stack spaces adjacent to a food drive-thru window with a driving aisle separating those spaces from 3 additional stack spaces in the north front yard.

The applicant has recently constructed a gas pump island to the north of the convenient store structure. No variances were required for this improvement. The applicant now desires to have a drive-thru window on the north end of the structure for ready-made chicken and wings. He indicates that there will be no liquor sold through the window. The attached site plan identifies there will be a total of 6 stacking spaces, but they will be separated by a driving lane to the gas pumps. The applicant indicates the 3 spaces adjacent to 11th Street will be marked for customer stacking for the drive-thru.

Vice-Chairman McAdam called for proponents.

Jaswinder Singh Jr., 722 11th Street, was sworn in. He said his business wants the drive-thru and that he is available for questions.

Vice-Chairman McAdam called for opponents.

Francisco Huizar, 1016 7th Avenue, was sworn in. He said he has lived there for 35 years and is not happy about the subject commercial use as there is a lot of noise coming from the customers of Mr. Singh's business resulting in him having to call the police. He said he wants them to put up a 5-foot privacy fence adjacent to his house so people do not look into his property and throw trash into it. He also said customers go the bathroom by the commercial dumpster on the subject site.

Vice-Chairman McAdam called for a rebuttal.

Mr. Singh said he cannot tell people to stop playing music in their cars, but that he has relocated the dumpster.

Vice-Chairman McAdam asked him if he would consider putting up the privacy fence next to Mr. Huizer's property. Mr. Singh replied that if the Board approved the request he could talk to his father about it, but if it's a condition to allow the window, we will install the fence.

Mr. Tschappat asked how long the business is open on a daily basis. Mr. Singh replied until 1:00 or 2:00 a.m.

Mr. Tschappat then said that car headlights on Mr. Huizer's property would be a problem for him and supported locating a privacy fence next to his property.

Vice-Chairman McAdam indicated that a 6-foot fence would be better and that it would keep litter from going on the neighbor's property.

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

Decision Case #2015-18– Mr. Tschappat made a motion to approve the request because:

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

He added the stipulation that a 6-foot tall privacy fence be installed along the west property line of the subject property and adjacent to 1016 7th Avenue from the sidewalk to the south property line of 1016 7th Avenue.

Ms. Jalloh seconded the motion.

Mr. Day said the fence should be pulled back from the sidewalk along 7th Avenue to allow for better vision around the fence.

Mr. Tschappat revised his motion to require the fence to be located 3 feet from the inside sidewalk line parallel with 7th Avenue to the south property line of 1016 7th Avenue.

Ms. Jalloh seconded the revised motion.

Mr. Huizan asked if he could address the Board.

Vice-Chairman McAdam re-opened the public hearing to allow Mr. Huizan to speak.

Mr. Huizan said he wants the privacy fence to be located in the right place and added that there is a chain-link fence that he believes is his, but it is located 10 inches on Mr. Singh's property. He said he does not trust where the applicant thinks the property is located.

Vice-Chairman McAdam recommended that he should get the property surveyed to identify the correct location of the property line.

Mr. Day said the new fence should be located where the existing chain-link fence is located.

Mr. Wild said discussing the fence location is far beyond the variance requested was and creates another problem, so he will be voting against the motion to approve the request with the stipulation of a fence.

Vice-Chairman McAdam closed the public hearing again and called for a vote on the motion to approve the request with the stipulation for a 6-foot privacy fence as stated by Mr. Tschappat and it passed with Mr. Day, Ms. Jalloh, Mr. Tschappat, Ms. Williams and Vice-Chairman McAdam voting aye and Mr. Wild voting nay.

Public Hearing #2015-19 - Request from Walter Trice for a variance of 3 feet of the 6-foot setback from an alley property line and a variance of 2 feet of the 3-foot setback from a property line for an accessory structure in a rear yard in an R-3 (one and two family residence) district at 1840 13th Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a 6-foot setback from an alley property line and a 3-foot setback from an adjacent property line for an accessory structure in a rear yard in a residential zoning district (Section 8.5A). The applicant proposes to remove an existing detached garage and construct a new detached garage (24' x 30') in the west rear yard.

The applicant will remove the existing detached garage from the property because work performed by a contractor was completed without a building permit and the existing structure has been determined to not be code-complaint. The proposed garage will have approximately the same footprint as the existing garage. The proposed garage will have the same south side setback

as the existing garage, but will be approximately 3 feet further from the alley than the existing garage.

Vice-Chairman McAdam called for the proponent.

Walter Trice, 1840 13th Street, was sworn in. He said that if he had to maintain the 6-foot setback from the alley it would make the turn into the garage from his driveway too difficult

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

Decision Case #2015-19– Ms. Williams made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. The lot meets the minimum lot area and width requirements for an R-3 zoned parcel, but the lot depth is not as long as other parcels in the neighborhood.
3. The proposed variance will not alter the character of the neighborhood.

Mr. Tschappat seconded the motion and it passed unanimously.

Other Business:

Mr. Griffith said there are three cases for the November regular meeting agenda. 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 7:49 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: November 2, 2015

SUBJECT: Case #2015-20- Request for a variance from the maximum fence height in a rear yard in an R-3 (one and two family residence) district.

Applicants:

Jeb and Amanda Makula

Location:

1617 37th Street

Request:

To allow a variance of one-foot of the six-foot maximum fence height in a rear yard in an R-3 (one and two family residence) district.

Size of Property:

The property measures 52' x 115' (5,980 square feet).

Zoning History:

None.

Existing Land Use and Zoning:

The site is occupied by a single family residence. To the north, south and west are single family residences, zoned R-3. To the east are business uses, zoned B-3.

Topography:

The site is flat and slightly above street level.

Affected Requirements:

The Zoning Ordinance requires a maximum height of six feet for a fence in a side or rear yard (Section 8.12). The applicant proposes to erect a seven-foot tall privacy fence in the east rear yard.

Conditions to Authorize Variance:

1. Reasonable Return: The proposed variance will improve the return on the property.
2. Unique Circumstances: The lot is adjacent to two auto related service businesses that exit on

the alley.

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

Comments:

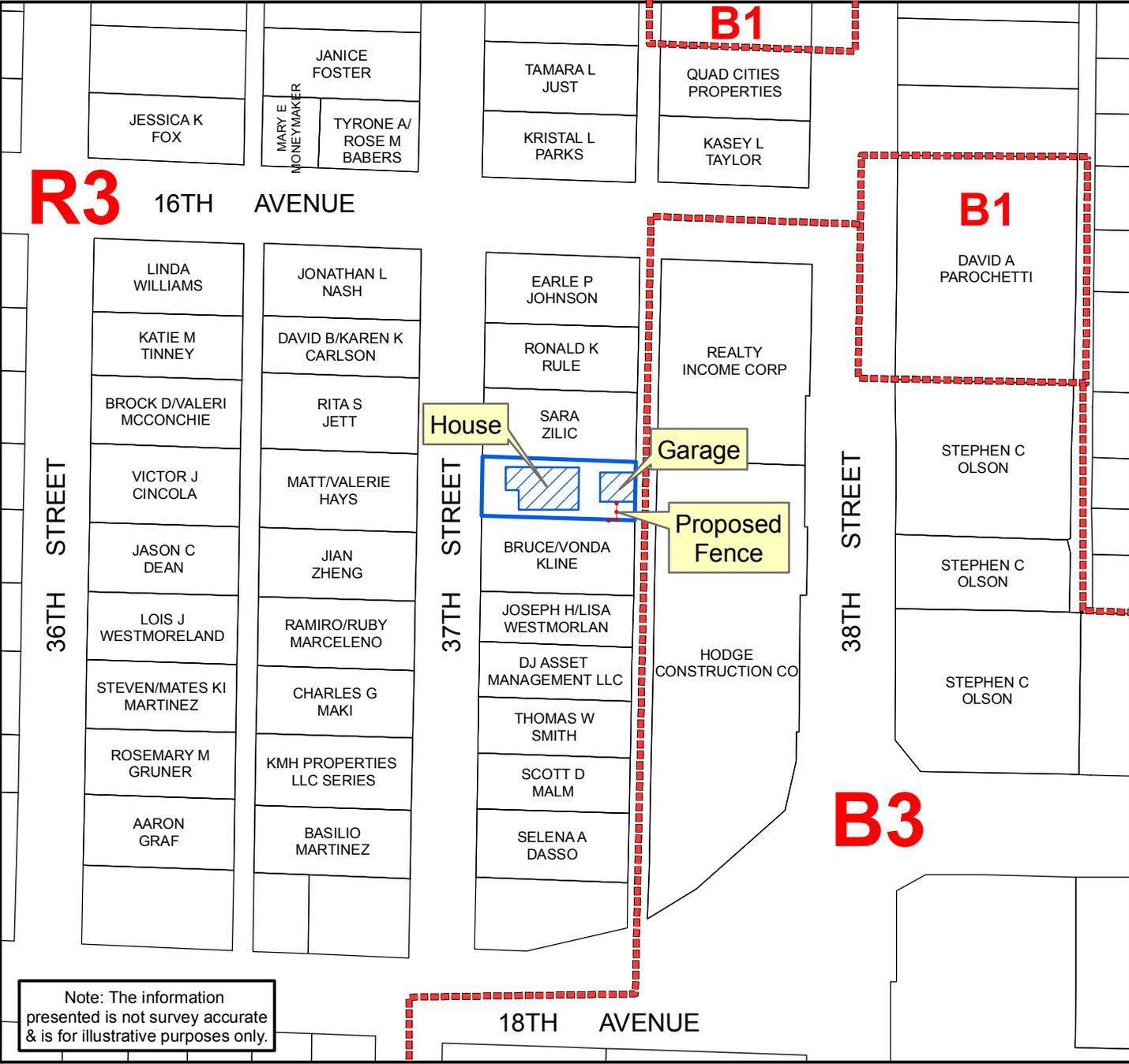
The subject rear yard is located adjacent to two auto-related businesses that exit on the north/south alley between the property and the businesses. Currently, there is a six-foot wood fence that will be removed and replaced with the proposed seven-foot tall vinyl fence at the same location. In a letter submitted by the applicant they indicate the proposed taller fence is needed due to the noise issues from the adjacent businesses along with safety concerns (see attached letter).

Staff believes that since the property is off an alley adjacent to two auto related businesses that the variance for the additional height is justifiable.

Recommendation:

That the variance be approved because it will improve the return on the property, the lot is adjacent to two auto-related service businesses that exit on the alley 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.

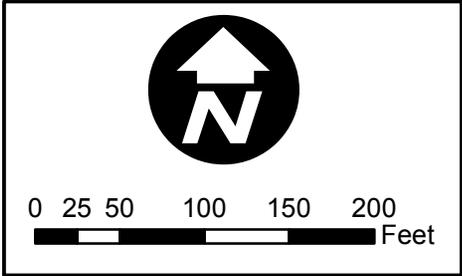
BOARD OF ZONING APPEALS 2015-20

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
2015-20 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
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning and Redevelopment



ROCK ISLAND ILLINOIS

We are seeking approval to build a 7-foot tall solid vinyl fence along the east side of our backyard. This side borders commercial property, specifically the Road House Car Wash (1612 38th St., Rock Island) and Valvoline Instant Oil Change (1618 38th St., Rock Island). There is a lot of traffic going through these two businesses, and many bicyclists and pedestrians also use the alley to get to other neighboring businesses such as the 7-Eleven (1636 38th St., Rock Island). Owners of the businesses also use the dumpster that is adjacent to the car wash. The area is heavily used at all times of the day and even during the night.

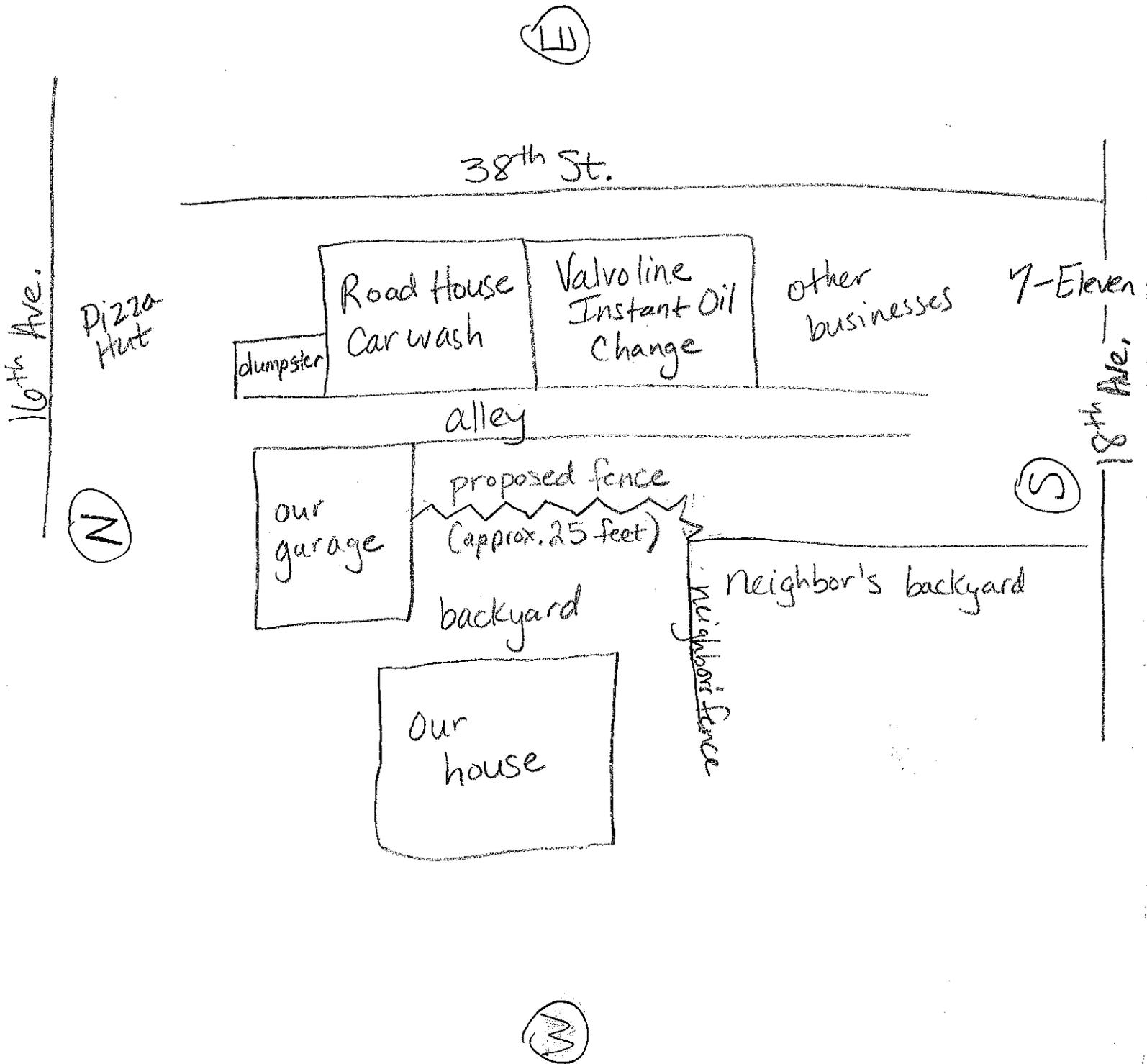
Due to privacy concerns, noise issues, and even safety reasons, we would like to construct a 7-foot tall fence. This would ensure that business patrons, owners, and passerbys can't simply walk up and look into our backyard (which they can do currently since we have a 6-foot tall wood fence), nor could they see us exit our house and leave the property. We have even had the unfortunate experience of having someone who was fleeing a police officer scale our existing fence and run through the background. A 7-foot tall fence would offer some protection against this type of occurrence.

We have lived at our residence for eight years and feel that installing this fence would be a definite improvement to the property.

Thank you for your consideration.

Jeb and Amanda Makula

Here is a sketch of the area:





REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: November 2, 2015

SUBJECT: Case #2015-21- Request for a variance from the maximum fence height in a front yard and a special exception to expand a non-conforming structure in an R-3 (one and two family residence) district.

Applicants:

Jamie and Joy McDonald

Location:

4002 7th Avenue

Request:

To allow a variance of six inches of the 3.5-foot maximum fence height in a front yard and a special exception to expand a non-conforming structure and use in an R-3 (one and two family residence) district.

Size of Property:

The property measures 52.5' x 150' (7,875 square feet).

Zoning History:

None.

Existing Land Use and Zoning:

The site is occupied by a three unit residence. The neighborhood is primarily a single family residential neighborhood, zoned R-3.

Topography:

The site is flat and slightly above street level.

Affected Requirements:

The Zoning Ordinance requires a maximum height of 3.5 feet for a fence in a front yard and Board authorization to expand a non-conforming use (Sections 8.12 and 5.12). The applicant proposes to maintain a four-foot tall privacy fence in the west front yard and expand a non-conforming attached porch by enclosing a 6' x 10.5' segment of the porch and adding a 10.5' x 10.5' enclosed attached addition to be located 12.5' from the west front property line (existing

porch is also located 12.5' from west front property line).

Conditions to Authorize Variance:

1. Reasonable Return: The proposed special exception 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 special exception and variance will not alter the character of the neighborhood.

Comments:

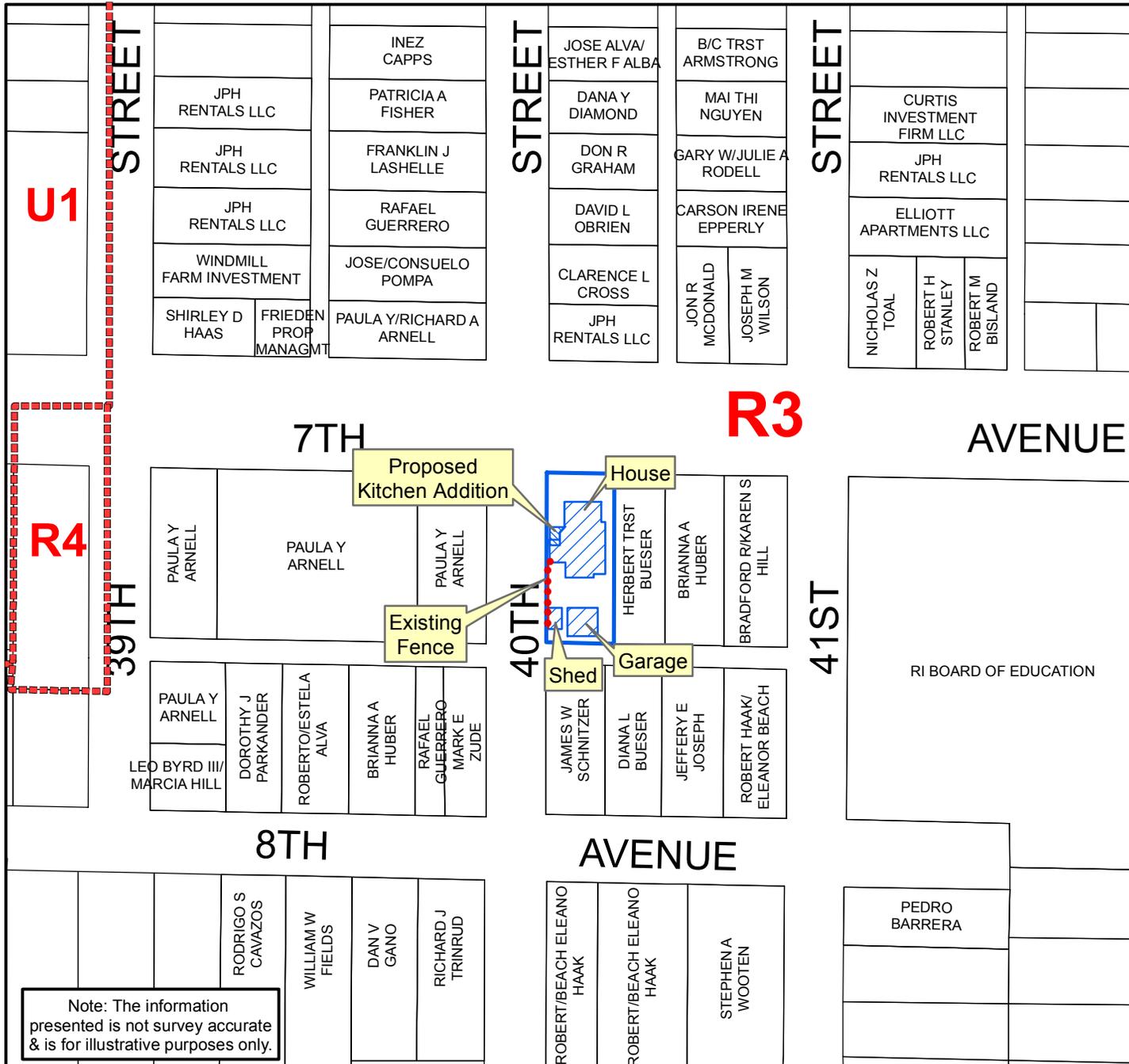
The applicants located the four-foot tall fence on the west front yard after contacting Inspections Division staff regarding general information about fence height and permits. It appears information regarding corner lots having two front yards was not brought up, so the applicants located the fence taller than zoning regulations would allow in a "second" front yard.

The building addition will be one story and will extend out to the existing porch line. Part of the existing porch will be enclosed in order to accommodate a new mud room. The addition will square off an existing bay area to allow larger kitchen and pantry space.

Recommendation:

That the special exception 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



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

BOARD OF ZONING APPEALS 2015-21

Legend

- Parcels
- Subject Property

DR. BY: K.G.D.

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



0 25 50 100 150 200
Feet



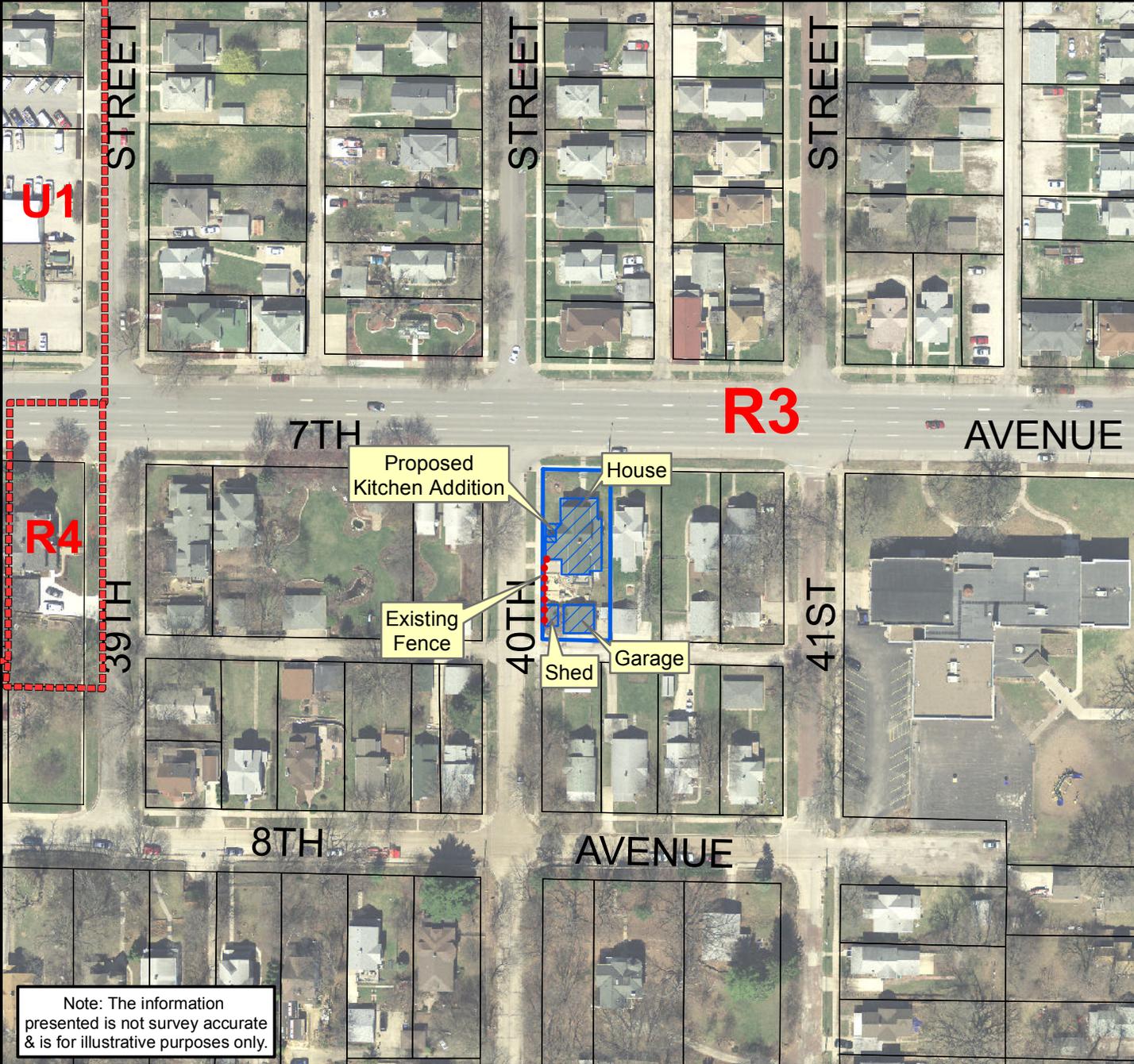
City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



ROCK ISLAND
ILLINOIS

BOARD OF ZONING APPEALS



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

**BOARD OF ZONING APPEALS
2015-21 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

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



ROCK ISLAND
ILLINOIS





REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: November 2, 2015

SUBJECT: Case #2015-22- Request for a special exception for a six-month temporary use to not improve a surface used for parking and a variance to allow a metal salvage dumpster permanently on a vacant property in an R-3 (one and two family residence) district.

Applicants:
Alphonso Dickerson

Location:
601 9th Avenue

Request:
To allow a special exception to allow a temporary use for up to six months to continue to locate two trailers and a metal salvage dumpster on an unimproved surface and a variance to locate the metal salvage dumpster permanently on the site in an R-3 (one and two family residence) district.

Size of Property:
The property measures 53.7' x 102' (approximately 5,477 square feet).

Zoning History:
None.

Existing Land Use and Zoning:
The site is undeveloped. To the north, west and south are single family residences, zoned R-3. To the east is a vacant parcel, zoned R-3.

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

Affected Requirements:
The Zoning Ordinance requires that trailers and private storage containers be parked on an improved surface and that a commercial dumpster not be located in a residential zoning district (Sections 8.14E [1] and 16.1). The applicant proposes to continue to locate two jet-ski trailers and a salvage dumpster on a grassy area in the north side yard for up to six months and then

improve the area with asphalt or concrete for permanent location of both the trailers and salvage dumpster.

Conditions to Authorize Variance:

1. Reasonable Return: The property can yield a reasonable return without the special exception and variance.
2. Unique Circumstances: None.
3. Character Alteration: The proposed special exception variance and use will alter the character of the neighborhood.

Comments:

Staff became aware of the issues on the property through code enforcement work by the Inspections Division. The applicant has removed the trailers and the commercial dumpster due to a code enforcement directive by Inspection Division staff. The applicant is seeking a six-month temporary use to relocate the trailers and dumpster back on the property through the winter months until he can improve the north area of the site with asphalt or concrete next spring.

The applicant is also asking to maintain the commercial dumpster on the property permanently. The dumpster is used as a neighborhood “drop-off” site for recyclable materials. The applicant also receives requests to pick up appliances and other items that can be recycled. Staff believes that this use is more of a business activity and requires the variance to continue using the site for this non-residential activity.

Recommendation:

That the special exception and variance be denied because the property can yield a reasonable return without the special exception and variance, there are no unique circumstances and it will continue to alter the character of the neighborhood.

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2015-22 Aerial

Legend

-  Parcels
-  Subject Property

DR. BY: K.G.D.

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



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

City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning and Redevelopment



DEL'S
METAL
309.788.1993

