

December 14, 2016

Rock Island Board of Zoning Appeals
Council Chambers—Third Floor—City Hall
1528 – 3rd Avenue
Regular Meeting Agenda
December 14, 2016
7:00 PM

1. Call to Order and Roll Call
2. Approval of the Minutes of the regular meeting of November 9, 2016
3. Procedural Explanation
4. Public Hearing #2016-25: The applicant, Shawn Boyd, has filed a request for a variance of 23 feet of the 30 foot front yard setback requirement in an R-3 (one and two family residence) district at 605 10th Street.
5. Other Business
6. Adjournment

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

Regular Meeting

7:00 p.m.

November 9, 2016

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: Ryan Berger and Alan Fries.

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

Approval of Minutes – Mr. Tschappat made a motion to approve the Minutes of the October 12, 2016 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 #2016-22 - Request from Robert Spaulding for a special exception to substitute one nonconforming use for another nonconforming use in an R-2 (one family residence) district at 1925 17th Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires Board authorization to substitute one nonconforming use for another nonconforming use (Section 5.12). The applicant proposes to substitute an apartment dwelling unit for a former real estate office space on the first floor of the structure.

The applicant proposes to convert the front first floor space that was used as a real estate office for many years into an apartment. The apartment will be the third dwelling unit in the structure and the proposed residential use will have access through the front door off of 17th Street.

There is a two car detached garage in the rear yard with access off an east/west alley that is located to the north of the property. The site is a legal nonconforming use, so Zoning Ordinance parking requirements (two spaces per dwelling unit) will not apply to the site. He said one objection had been received from Ms. Janice Mills, 1911 17th Street, Apartment 2. She expressed concerns over current tenants of the residential units on the subject site parking and blocking the alley adjacent to her property.

Vice-Chairman McAdam called for proponents.

Robert Spaulding, 10200 Turkey Hollow Road in Taylor Ridge, Illinois, was sworn in. He said he has owned the property for 15 years and never had any problems expressed to him by neighbors. He said he did not think there would be any concerns converting the commercial space to residential efficiency apartment since the property is zoned residential. He said the people he wants to rent the unit to do not have a vehicle and that only one of his two other tenants have a vehicle.

Mr. Wild asked if the tenants have access to use the detached garage in the site. Mr. Spaulding replied that they do and he does not understand why they do not use it on a consistent basis.

Carol Spaulding, 100200 Turkey Hollow Road in Taylor Ridge, Illinois, was sworn in. She said that if they have the site in all residential use there will be less traffic than if it was another business use. She said in the past when it was a beauty shop customers parked in the alley.

Janice Mills, 1911 17th Street, Apartment 2, was sworn in. She said that she purchased her property in 2005 and that currently there are two vehicles that consistently park in the ally blocking her access to her property. The two vehicles are a suv and a sedan. She said there are other property owners who need to use the alley as it is the only access for her tenants and many other properties. She said the City does not maintain the alley well and she has called both the Police and Public Works Departments, but there is still a problem with the condition of the alley and people parking in the alley.

Mr. Wild asked if she has told the owner of the subject property about her concerns. Ms. Mills replied that she has not known who the owner was because they are never there.

Claudia Beltran, 1911 17th Street, Apartment 1, was sworn in. She said she agreed with Ms. Mills about the parking problems.

Vice-Chairman McAdam said no parking signs on the subject property directed towards the alley might help the parking situation.

Vice-Chairman McAdam then asked for the rebuttal by the applicant.

Ms. Spaulding said she was told by the Police Department that vehicles in the alley were legally parked there, but she was not aware of the neighbor concerns about that type of parking done by her tenants. She said she will talk to her tenants about it.

Ms. Mills asked if she could make another comment.

Vice-Chairman McAdam said she could come forward to speak.

Ms. Mills said she has also talked to the street department asking if they could put no parking signs in the alley and they told her they could not.

Vice-Chairman McAdam said that the applicant will put up no parking signs, so that should take care of the parking problem.

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

Decision Case #2016-22 – Mr. Day made a motion to approve the request because:

1. The proposed use will improve the return on the property.
2. The proposed dwelling space would likely generate less traffic than a commercial use
3. The proposed use will not alter the character of the neighborhood.

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

Public Hearing #2016-23 - Request from Trudy Hallgren for a variance of 16 feet of the 25 foot front yard setback requirement in an R-2 (one family residence) district at 2825 46th Street.

Mr. Fries presented the staff report. He explained the Zoning Ordinance requires a 25-foot rear yard setback requirement in an R-2 zoning district (Section 15.5). The applicant proposes to construct an attached open deck (19' x 21.5') in the south front yard.

The applicant proposes the 30-inch tall open deck to face in a southern direction to get maximum sun. If a deck of the same dimensions was proposed to be in the east rear yard it still would require a variance as the existing distance from the house to the east property line is 43 feet (deck would reduce the rear yard setback to 24 feet if located in east rear yard). The southern extension also fits better with the interior floor plan of the house.

The proposed deck will extend to be even with the south exterior wall of the existing detached garage. This garage already extends into the south front yard, which will have a remaining nine foot south front yard setback. The distance from between the deck and garage will be approximately eight to ten feet.

Vice-Chairman McAdam called for proponents.

Trudy Hallgren, 2825 46th Street, was sworn in. She said she has been dreaming about this deck for years and now has the resources to make it happen after making other improvements to her home. She said that it is the best location on her property because there are some shade trees that will make being out on the deck more enjoyable than being in the east rear yard location that would not have any shade.

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

Decision Case #2016-23 – Mr. Wild made a motion to approve the request because:

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

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

Public Hearing #2016-24 - Request from Thomas Steele variance to have a gravel surface for an outside storage and parking area in an I-2 (general industrial) district at 8301 42nd Street West.

Mr. Fries presented the staff report. He explained the Zoning Ordinance requires vehicle storage yards to have an asphalt or concrete improved surface (Section 8.14), The applicant proposes to locate a fenced in gravel storage and parking area (160' x 82.5') in the north side yard.

The fenced in area will be used to park and store construction equipment and company vehicles. The fence will be a solid ten foot high fence. Access to the outside storage area will be from the existing improved parking lot located to the south of the proposed lot. The applicant received a similar variance in 2003 for a fenced in storage and parking area for construction equipment and company vehicles for the property at 8300 42nd Street West (property located directly across the street to the west).

Mr. Tschappat asked if staff recommends a time limit on the gravel surfacing. Mr. Fries replied that staff does not because there will be construction equipment parked in the storage area and that the Board recently approved a full variance for a similar storage area owned by the applicant across the street to the west of the subject site.

Vice-Chairman McAdam called for proponents.

Tom Steele, 11425 West 58th Street in Milan, was sworn in. He said that he needs the variance because he cannot park construction equipment on asphalt because it would destroy it. He said he is trying to beautify the property by locating his equipment behind a privacy fence, which will be six feet in height.

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

Decision Case #2016-24 – 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 and a smaller rear yard.
3. The proposed variance will not alter the character of the neighborhood.

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

Public Hearing #2016-25 - Request from Shawn Boyd for a variance of 23 feet of the 30 foot rear yard setback requirement in an R-3 (one and two family residence) district at 605 10th Street.

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

Ms. Jalloh made a motion to defer the case until the regular Board meeting on December 14, 2016 because the applicant was not present for questioning.

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

Public Hearing #2016-26 - Request from Friendship Manor for a special exception to amend an approved authorized use to allow four 15-foot tall light poles for a 24 space parking lot in an R-3 (one and two family residence) district at 2100 and 2106 12th Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires Board authorization for an amendment to an authorized use that was approved for an accessory parking lot (Section 14.4 [F]). The applicant proposes to add four 15-foot tall light poles (two each to be located along the north and south property lines) of the parking lot site.

The applicant had not yet decided if the parking lot would be proposed to be lighted at its public hearing in August 2016. The applicant now proposes that the lot be lighted with four 15-foot tall poles approximately 20 to 25 feet in from each of the four corners of the site (two each to be located along the north and south property lines). The luminaries will be set at 90-degree angles as required by the Ordinance. The applicant has also submitted the attached photometric map that identifies that the proposed lighting meets Ordinance illumination requirements at the property line.

Vice-Chairman McAdam called for proponents.

Steven Ulstad, 2320 Buckskin Circle, Dubuque, Iowa, was sworn in. He said he is the architect for Friendship Manor and that this request is a continuation from the special exception request for the parking lot back in August. He said the decision to ask for the lights for the parking lot was to have lighting for employees working later shifts during the winter months when the sun sets earlier.

Mr. Tschappat asked if the light would be set on a timer to turn off when not being used. Mr. Ulstad replied that there would be a sensor to turn off at dusk. He said there were three shifts of workers and the final shift ends at approximately 11:00 p.m.

Mr. Tschppat said that in the past the Board has placed a stipulation on lighting to turn off at approximately 10:00 p.m.

Scott Steiner, representing Friendship Manor at 1209 21st Avenue, was sworn in. He said he would like the lights top remain on to accommodate the last work shift, but will do whatever the Board decides.

Mr. Day clarified that the 15 foot tall poles would be on three foot standards. Mr. Steiner agreed with that figure.

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

Decision Case #2016-26 – Ms. Jalloh made a motion to approve the request because:

1. The proposed variances will better identify services located at the King Center.
2. The property has frontage on four public streets.
3. The proposed variances will not alter the character of the neighborhood.

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

Other Business:

Mr. Fries informed the Board there since there were no new cases for the regular December meeting the only case on the agenda will be the case the Board deferred until the December 14th regular meeting.

Mr. Fries then explained that staff has discussed changing the regular meeting time to 5:30 p.m., which is similar to the meeting time for the Planning Commission. He asked for input from the Board. Mr. Wild indicated 5:30 was acceptable, but that it did not make a significant difference to him. Mr. Tschappat and Vice-Chairman McAdam indicated they prefer the 7:00 meeting time. Staff determined that there was a consensus to leave the meeting time at 7:00 p.m.

Adjournment:

Vice-Chairman McAdam adjourned the meeting at 8:15 p.m.

Respectfully submitted,
Ryan Berger
Interim Planning and Redevelopment Administrator

REPORT

TO: Board of Zoning Appeals a4
FROM: Community and Economic Development Department
Planning and Redevelopment Division
DATE: October 25, 2016
SUBJECT: Case #2016-25- Request for a variance from the rear yard setback requirement in an R-3 (one and two family residence) district.

Applicant:
Shawn Boyd

Location:
605 10th Street

Request:
To allow a variance of 23 feet of the 30-foot front yard setback requirement in R-3 (one and two family residence) district.

Size of Property:
The property measures 80' x 110' (8,800 square feet).

Zoning History:
Board of Zoning Appeals Case #2014-25- Request for a front yard variance for a covered porch was approved.

Existing Land Use and Zoning:
The site is occupied by a single family residence. To the north are undeveloped parcels that the Board approved a variance for an accessory church parking lot, zoned R-3. To the east is an undeveloped parcel, zoned R-3. To the west and south are single family residences, zoned R-3.

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

Affected Requirements:
The zoning ordinance requires a 30-foot rear yard setback requirement in an R-3 zoning district (Section 14.5). The applicant proposes to construct an attached one-story building addition (30' x 24') in the east rear 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 and a smaller rear yard.
3. Character Alteration: The proposed variance will not alter the character of the neighborhood.

Comments:

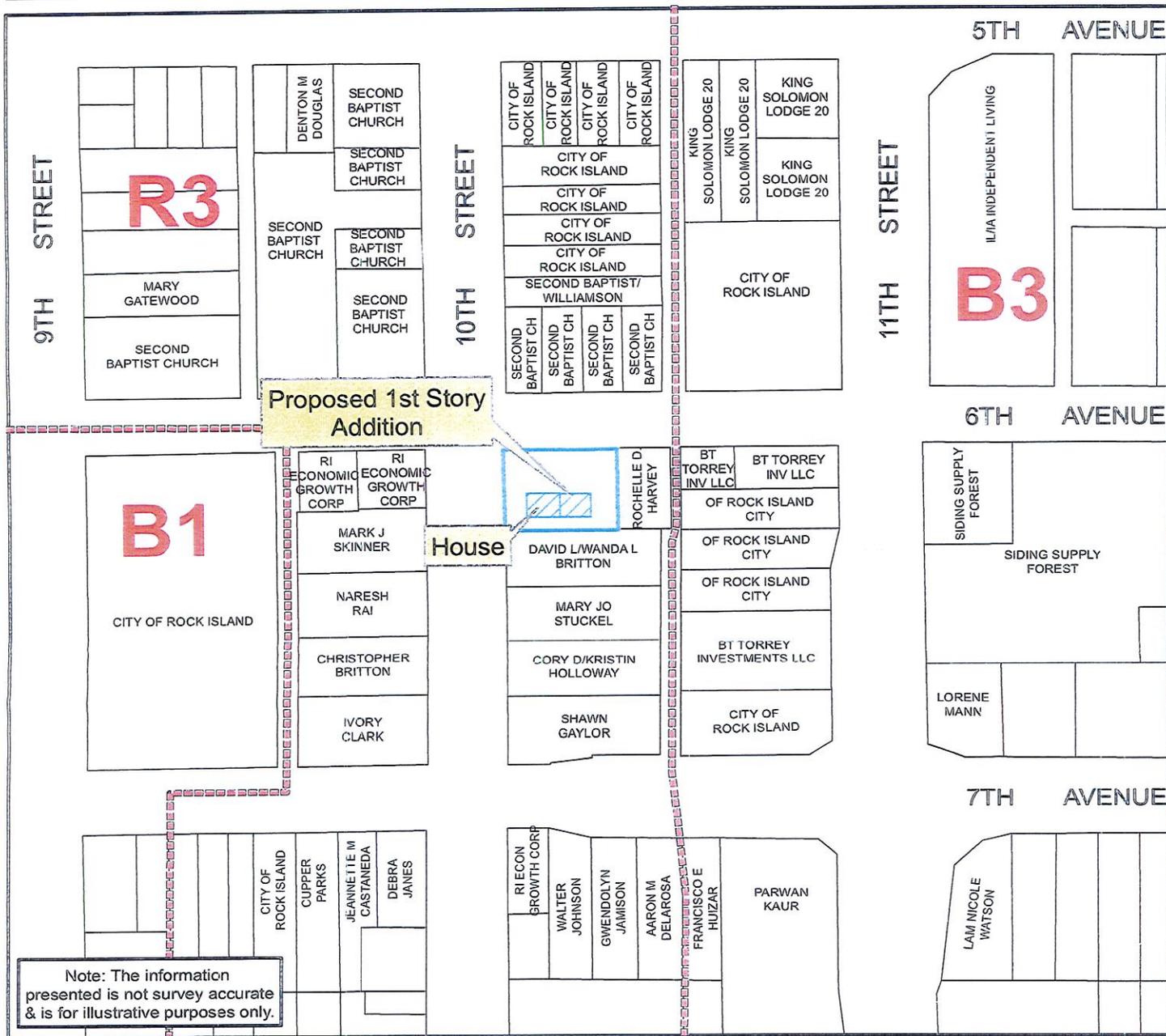
The proposed addition would be in-line with the north façade of the existing residence. The addition would include a first floor living space and a two car attached garage with doors facing north to an access drive to 6th Avenue.

The applicant has made an attempt to purchase the undeveloped property to the east, but at the time of writing this report it has not yet come to fruition. The applicant desires indoor parking prior to the winter months.

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 a smaller rear yard and it will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS



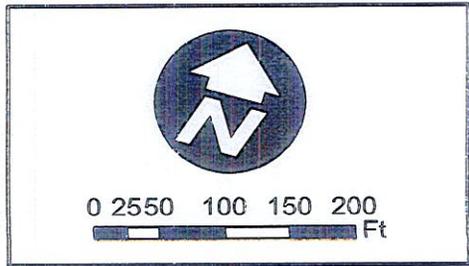
Note: The information presented is not survey accurate & is for illustrative purposes only.

BOARD OF ZONING APPEALS 2016-25

Legend

- Parcels
- Subject Property

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

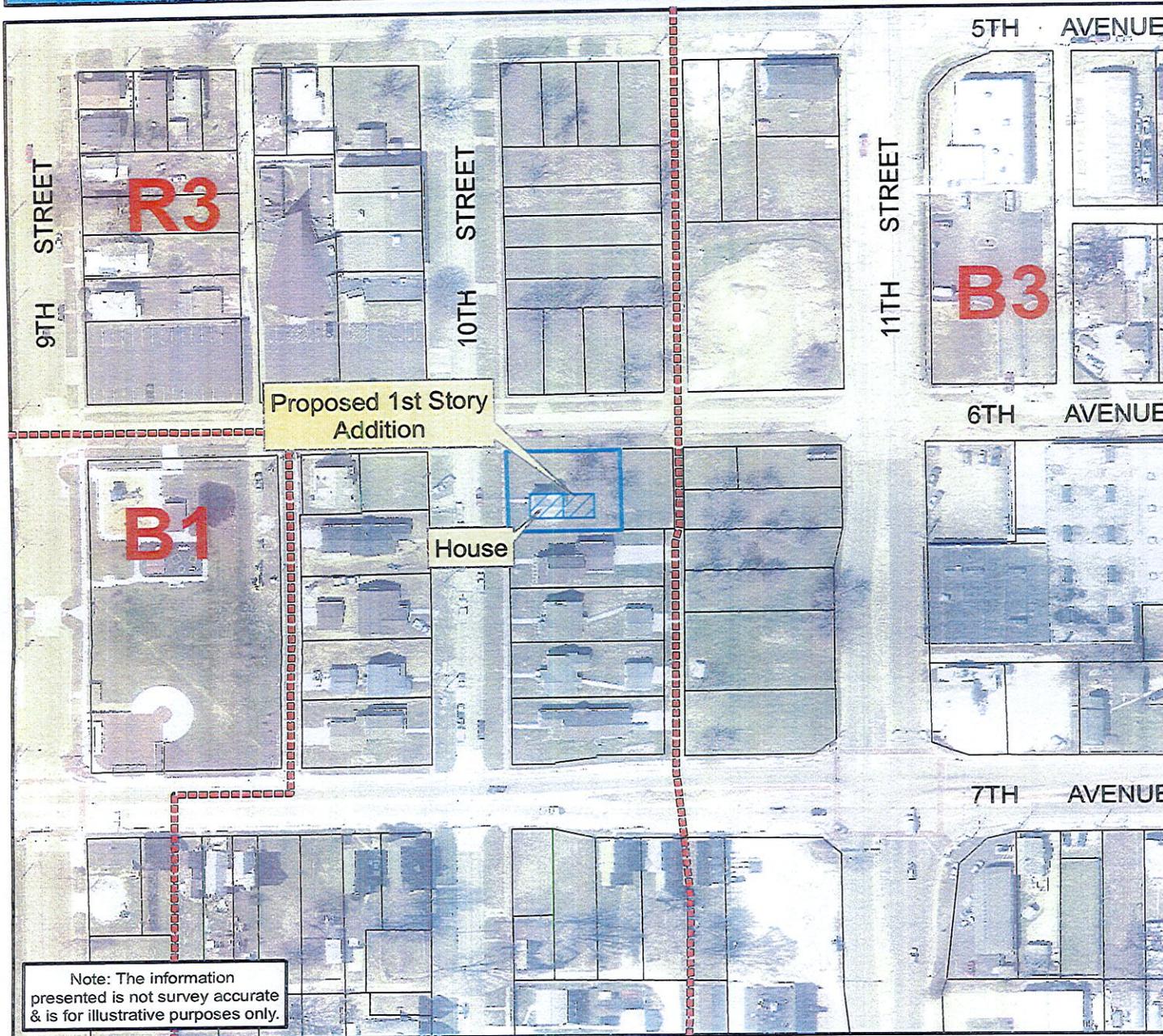


City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning and Redevelopment

ROCK ISLAND ILLINOIS

BOARD OF ZONING APPEALS



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BOARD OF ZONING APPEALS 2016-25 Aerial

Legend

-  Parcels
-  Subject Property

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



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