

July 5, 2017

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

1528 – 3rd Avenue

Special Meeting Agenda

July 5, 2017

7:00 PM

1. Call to Order and Roll Call
2. Procedural Explanation
3. Approval of the Minutes of the regular meeting of June 14, 2017.
4. Public Hearing #2017-12: The applicant, Nino Saldivar, has filed a request for a variance of 24 feet of the 30 foot rear yard setback requirement in an R-2 (one family residence) district at 2801 28th Avenue.
5. Other Business
6. Adjournment

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

Regular Meeting

7:00 p.m.

June 14, 2017

ATTENDANCE:	(x) Present	() Absent
() Kevin Day		(x) Karen Williams
(x) Dave McAdam		(x) Larry Tschappat
(x) Gary Snyder		(x) Robert Wild
() Faye Jalloh		

Staff Present: Ryan Berger, 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 May 10, 2017 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 #2017-07: The applicant, Randy Dickson/U-Haul Company of Iowa and Illinois, has filed a request for a special exception for an authorized use (two mini-warehousing uses as identified in the Zoning Ordinance), a variance of 15 square feet of the 393 maximum total sign area on the site (including attached and freestanding signs) and a variance to allow two principal structures on a property in a B-4 (highway/intensive business) district at 3840 46th Avenue (Blackhawk Road).

Mr. Fries said the applicant has requested the case be tabled until the July 12, 2017 regular Board meeting in order to provide additional information to the City regarding its request.

Mr. Tschappat made a motion to table the request until the July 14, 2017 regular Board meeting. Ms. Williams seconded the motion, and it passed unanimously.

Public Hearing #2017-11 - Request from Daniel L. Forgie for a variance to allow extension to the existing gravel vehicle storage area in an I-1 (light industrial) district at 1931 1st Street.

Mr. Fries presented the staff report. He explained the Zoning Ordinance requires that all vehicle parking areas be improved with either asphalt or concrete (Section 8.14E). The applicant proposes to expand the gravel vehicle storage area to the east property line for the towing business site.

The applicant also has a towing storage facility at 2550 5th Street and has purchased the subject property to mainly store vehicles that have been towed through work contracted with government entities including the City of Rock Island. The site has been used as a towing facility and storage yard in the past, but was marginally used for several years until the applicant purchased the property.

The applicant was recently allowed by the City to replace gravel back to the point that was most recently

used by the previous owner. The applicant now desires to expand to the east due to the many increased demand for towing by the government contracts he and the likelihood the demand for his services will continue to increase.

The City has some old records that appear to identify that there was some gravel in the subject easterly segment in the historical past, but has been overgrown with grass for many years. The applicant indicates that it would be cost prohibitive to improve the easterly segment with concrete and/or asphalt and that it would be problematic since the entrance to the site and approximately one-half of the lot is already gravel and can be continued that way. Staff believes this is a unique circumstance and that is reasonable to approve the variance for the balance of the property based on the historical use of the site.

He said the City had received one Statement of Interested Party from Michael and Joyce Berry, 2027 1st Street. He said that they expressed concern over storm water issues.

Chairman Snyder called for proponents.

Daniel L. Forgie, 1931 1st Street, was sworn in. He said there is a swale on the south side of the property now and he does not intend to change this grass area on the site. He said there is not any of water from his site that runs over to the neighboring property.

Chairman Snyder called for the Interested Party.

Joyce Berry, 2027 1st Street, was sworn in. She asked if he had put up the fence that is on her property. Mr. Forgie replied the fence is on his property by the edge of the structure on the site and is located 20 to 30 feet aware from her property.

She then asked what he was going to do about the water runoff problems. Mr. Forgie replied that he has worked with the City and that because of the swale area there is no water coming from his property into her property.

Mr. Berger said that the City regulates storm water and that regulations would not allow any storm water from the subject site to discharge on her property.

Chairman Snyder called for opponents.

Debbie Bernhower, 2102 1st Street, was sworn in. She said she lives across the street and is also concerned about storm water runoff.

Chairman Snyder called for a rebuttal.

Mr. Forgie again said he thinks the water is coming from somewhere else because the existing swale catches the water from his property and he will maintain the swale and not change the elevation of his property to what is already there now.

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

Decision Case #2017-11 – Ms. Williams made a motion to approve the request because:

1. The proposed parking expansion will improve the return on the property.
2. The site has an existing gravel storage area on the western segment of the site. Historical land use maps indicate that previous owners had gravel vehicle storage parking in segments of the area proposed for current expansion.
3. The proposed variance will not alter the character of the neighborhood.

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

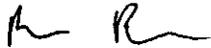
Other Business:

Mr. Fries informed the Board there are now with the tabling of tonight's first case, there are five cases for the regular July 12, 2017 meeting.

Adjournment:

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

Respectfully submitted,



Ryan Berger, Planning and Redevelopment Administrator

REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: June 26, 2017

SUBJECT: Case #2017-12- Request for a variance from the rear yard setback requirement in an R-2 (one family residence) district.

Applicant:
Nino Saldivar

Location:
2801 28th Avenue

Request:
To allow a variance of 24 feet of the 30 foot rear yard setback requirement in an R-2 (one family residence) district.

Size of Property:
The property measures 40' x 105' x 66' x 65' x 111' (approximately 9,291 square feet in area).

Zoning History:
None.

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

Topography:
The site slopes up slightly from street level.

Affected Requirements:
The zoning ordinance requires a maximum rear yard setback of 30 feet in an R-2 zoning district (Section 15.5). The applicant proposes to construct a new attached garage addition (20' x 24') in the west rear yard.

Conditions to Authorize Variance:

1. Reasonable Return: The proposed addition will allow conversion of an existing one car garage into living space and add a two car garage that will improve the return on the property.

2. Unique Circumstances: The odd shaped rear lot has angled property lines that will have the addition six feet from the closest point of the addition, but then angles away from the addition.
3. Character Alteration: The proposed variance will alter the character of the neighborhood.

Comments:

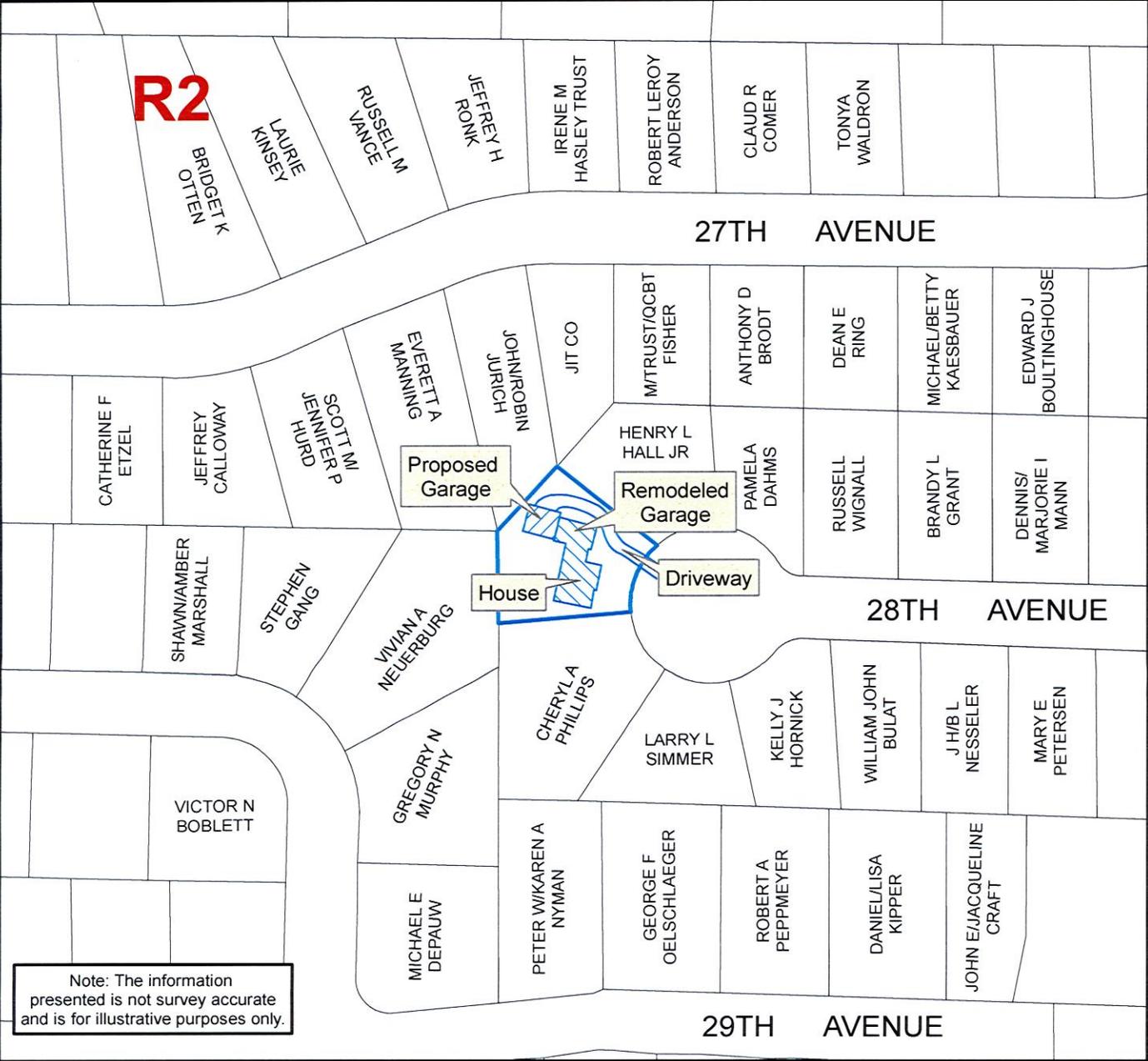
Several rear yard lot lines come together near the point where the proposed garage addition is proposed. However, there are no adjacent houses within 60 feet of the proposed attached garage addition. Expanding the existing one car garage to the north would also require a variance due to the angle of the north property line and would have an impact to the property owner to the north. The rear yard location is the most feasible location for additional garage space.

Recommendation:

That the variance be approved because it will improve the return on the property, the rear yard has odd shaped angles that only make the closest point of the addition 6 feet away from the property line and it will not alter the character of the neighborhood.

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BOARD OF ZONING APPEALS



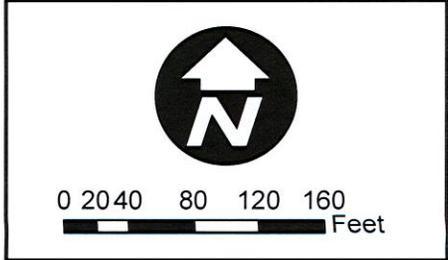
BOARD OF ZONING APPEALS
2017-12

Legend

- Parcels
- Subject Property

DR. BY: K.G.D.

APPR. BY: CAF RB

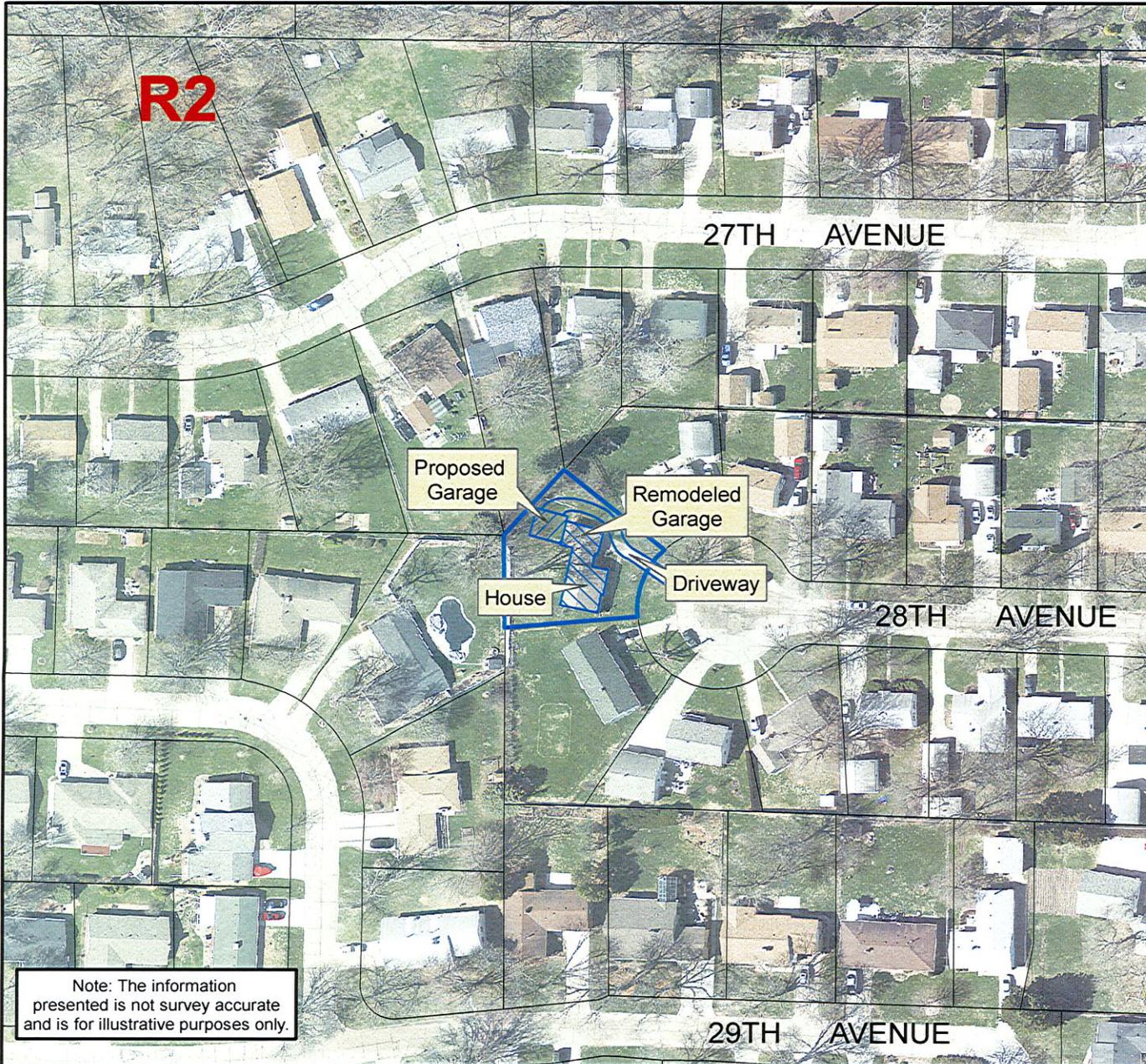


City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment

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

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2017-12 Aerial

Legend

-  Parcels
-  Subject Property

DR. BY: K.G.D.

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



0 20 40 80 120 160
Feet

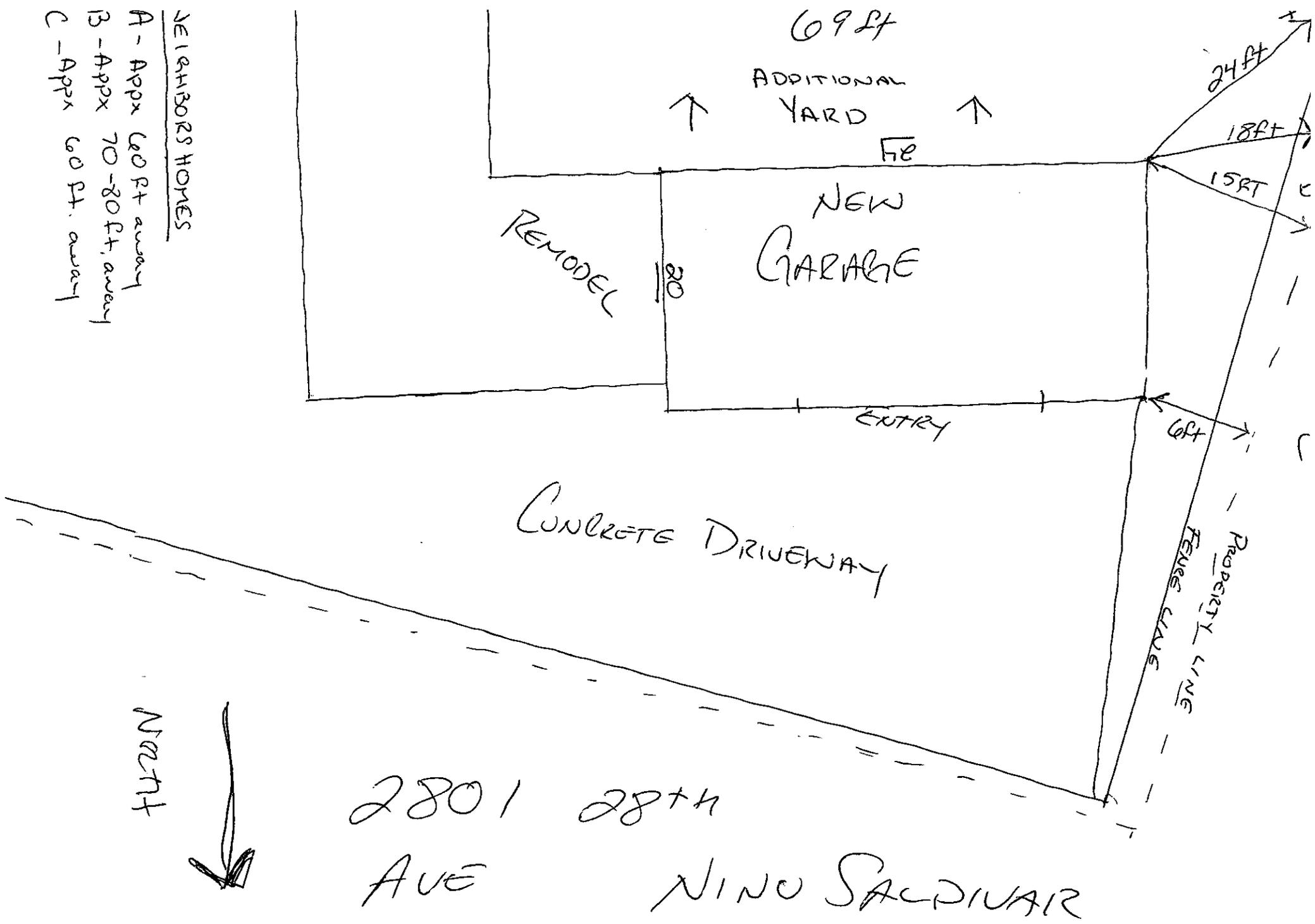
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Note: The information presented is not survey accurate and is for illustrative purposes only.

- NEIGHBORS HOMES
- A - Appx 600 ft away
 - B - Appx 70-80 ft. away
 - C - Appx 60 ft. away



2801 28th
 AVE NINO SALDIVAR



