

**January 10, 2018**

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

**1528 – 3<sup>rd</sup> Avenue**

**Regular Meeting Agenda**

**January 10, 2018**

**7:00 PM**

1. Call to Order and Roll Call
2. Procedural Explanation
3. Approval of the Minutes of the alternate meeting of December 27, 2017.
4. Public Hearing #2018-01: The applicant, Adriaan B. Tate, has filed a request for a variance of 2.5 feet of the 3.5 foot maximum fence height requirement in an R-3 (one and two family residence) district at 1534 38<sup>th</sup> Street.
5. Other Business
6. Adjournment

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

**Alternate Meeting**

**7:00 p.m.**

**December 27, 2017**

ATTENDANCE:	(x) Present	( ) Absent
(x) Kevin Day		(x) Dave McAdam
(x) Larry Tschappat		(x) Robert Wild
(x) Gary Snyder		
( ) 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 October 11, 2017 meeting. Mr. McAdam seconded the motion, and it passed unanimously.

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

**Public Hearing #2017-23:** The applicant, Raymond Howie, has filed a request for a variance of six feet of the nine foot side yard setback requirement in an R-2 (one family residence) district at 4311 25<sup>th</sup> Avenue.

Mr. Fries presented the staff report. He explained the Zoning Ordinance requires a nine foot side yard in this yard area due to the 15 foot sum of side yard requirements (Section 15.5). The applicant proposes to construct an attached carport (13' x 20') in the west side yard.

The Zoning Ordinance requires the sum of side yards for a one-story structure in an R-2 district to be 15 feet. The smaller side yard setback can be six feet, leaving the larger side yard setback to be nine feet. The applicant's residence is set closer (approximately six feet) to the east property line. The west setback must then be at least nine feet. The proposed attached open sided carport on the west side of the residence will be constructed to within three feet of the west property line.

The open sided carport will provide roofed over protection for vehicles parked on the driveway adjacent to the side entrance of the residence. The carport will be open on the north and south ends to provide through access to the detached garage. The west side of the carport will also be open, as only support posts will be located adjacent to the west property line. The neighbor to the east received a similar variance in 2005.

Chairman Snyder called for proponents.

Raymond Howie, 4311 25<sup>th</sup> Avenue, was sworn in. He said that he wants to construct a 13' x 20' carport on the west side of his residence.

Mr. Tschappat asked if he had a picture of the proposed carport to identify the roof pitch. Mr. Howie

replied that he did not, but that it would be a sloped shed type roof with a downspout to have the water drain onto his own property. He added that his neighbor has an attached garage approximately six feet from the property line.

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

**Decision Case #2017-23** – Mr. McAdam 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. Wild seconded the motion and it passed unanimously.

**Public Hearing #2017-24** – The applicants, J. L. and Blake Hinrichson, have filed a request for a variance of 300 feet of the 300 foot separation requirement between an existing Unrelated Group Family Use and a proposed Unrelated Group Family Use in an U-1 (university and college) district at 749 34<sup>th</sup> Street.

Mr. Fries presented the staff report. He explained the Zoning Ordinance requires a 300 foot separation between Unrelated Group Family Uses (Section 4.6C [2]). The applicant proposes to locate an Unrelated Group Family Use for up to 4 residents in the dwelling).

The closest identified existing Unrelated Group Family Use is located directly to the south of the property, while two other uses are located across the street at 808 and 812 34<sup>th</sup> Street. There are several other Unrelated Group Family Uses located to the north, west and south of the subject property as this area is located close to the campus. The Zoning Ordinance requires two off street parking spaces for any Unrelated Group Family Use. The site has three parking spaces on the site (one in an attached garage and two on a driveway).

Chairman Snyder called for proponents.

Jay Hinrichson, 3241 10<sup>th</sup> Avenue, was sworn in. He said he has rented other housing properties to Augustana College students for 21 years and has asked for a similar variance before for one of his properties. He said he has spoken to his neighbor to the north (George and Harriet Henning) and they do not have any objection to his request. He said the circa 1910 constructed house is extra large with three floors, but he will only propose to have four unrelated residents live there. He added he grew up in this neighborhood and has invested a lot of money in his residential properties in this neighborhood.

Mr. McAdam asked how many properties he currently owns. Mr. Hinrichson replied 12 in this neighborhood.

Mr. Tschappat asked about parking requirements for the site. Mr. Hinrichson replied that he owns a parking lot nearby that overflow parking is provided.

Mr. Fries said the property has three off street parking spaces and the Zoning Ordinance requires only two parking spaces on site.

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

**Decision Case #2017-24** – Mr. McAdam made a motion to approve the request because:

1. The proposed variances will improve the return on the property.
2. The proposed variances will not alter the character of the neighborhood as there are many similar uses in the area.

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

**Public Hearing #2017-25** – The applicant, David Griffin, has filed a request for a special exception to expand a nonconforming use in a B-4 (intensive/highway business) district at 3604 46<sup>th</sup> Avenue.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires Board authorization to expand a nonconforming use (Section 5.16). The applicant proposes to construct an attached deck (24' x 14') and a detached above ground swimming pool with surrounding deck (30' x 55') in the west side, an attached garage (28' x 26') in the south rear yard and a detached storage building (10' x 12') in the north front yard.

As previously indicated the residential property was annexed and rezoned to B-4 in 1997. The applicant at the time was a former adjacent business property owner (ABS Construction at 3626 46<sup>th</sup> Avenue). No commercial development was proposed at that time and the site has remained in residential use since then.

The applicant resides at the property and desires to maintain it as his residence and make the proposed improvements through the upcoming years. Currently, there is not a garage on the property and the proposed attached two car garage will be located off a nonconforming gravel driveway. The proposed deck will be off the west side of the residence, while the proposed swimming pool and surrounding deck will be an accessory structure located at the southwest corner of the site. A small storage structure will be located in the slope of the north front yard.

There are commercial uses to the east and west of the site, but residential uses are located to the south adjacent to the Rock River. Staff does encourage commercial uses along 46<sup>th</sup> Avenue (Blackhawk Road), but the long term use of this site as a residence along with the slope downward from the street makes commercial uses somewhat unlikely in the near future.

Chairman Snyder called for proponents.

David Griffin, 3604 46<sup>th</sup> Avenue, was sworn in. He said he had looked at the subject property for a potential commercial use, but found a nearby location for his construction business. He said he wants to maintain the subject property as his home and make the improvements for him and his family.

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

**Decision Case #2017-25** – Mr. Tschappat made a motion to approve the request because:

1. The proposed special exception will improve the return on the property.

2. The proposed special exception will not alter the character of the neighborhood.

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

**Other Business:**

Mr. Berger informed the Board that the City Council has tabled the request to amend the Zoning Ordinance to disband the Planning Commission and Board of Zoning Appeals and create a new 9 member Planning and Zoning Commission. The Council directed the Planning Commission to consider other options for review of zoning and variance requests. He invited Board members to the February 7, 2018 Planning Commission meeting in which the Commission will discuss and consider other options. Mr. Berger responded to several questions from Board members.

**Adjournment:**

Chairman Snyder adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Ryan Berger, Planning and Redevelopment Administrator, AICP

## REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department  
Planning and Redevelopment Division

DATE: January 2, 2018

SUBJECT: Case #2018-01- Request for a variance from the maximum fence height for a fence in a front yard on a corner lot in an R-3 (one and two family residence) district.

Applicant:  
Adriaan B. Tate

Location:  
1534 38<sup>th</sup> Street

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

Size of Property:  
The property measures 50' x 115' (5,750 square feet in area).

Zoning History:  
None.

Existing Land Use and Zoning:  
The site is occupied by a single family residence, zoned R-3. To the north and west are single family residences, zoned R-3. To the south is a restaurant, zoned B-3. To the east is a restaurant, zoned B-1 and single family residences, zoned R-3.

Topography:  
The site slopes up approximately one or two feet from street level.

Affected Requirements:  
The zoning ordinance requires a maximum fence height of 3.5 feet in a front yard (Section 8.5A). The applicant proposes to maintain a 6 foot tall privacy fence in the south front yard.

Conditions to Authorize Variance:

1. Reasonable Return: The proposed fence will improve the return on the property.
2. Unique Circumstances: The site is a corner lot with two front yards.

3. Character Alteration: The proposed variance will alter the character of the neighborhood.

Comments:

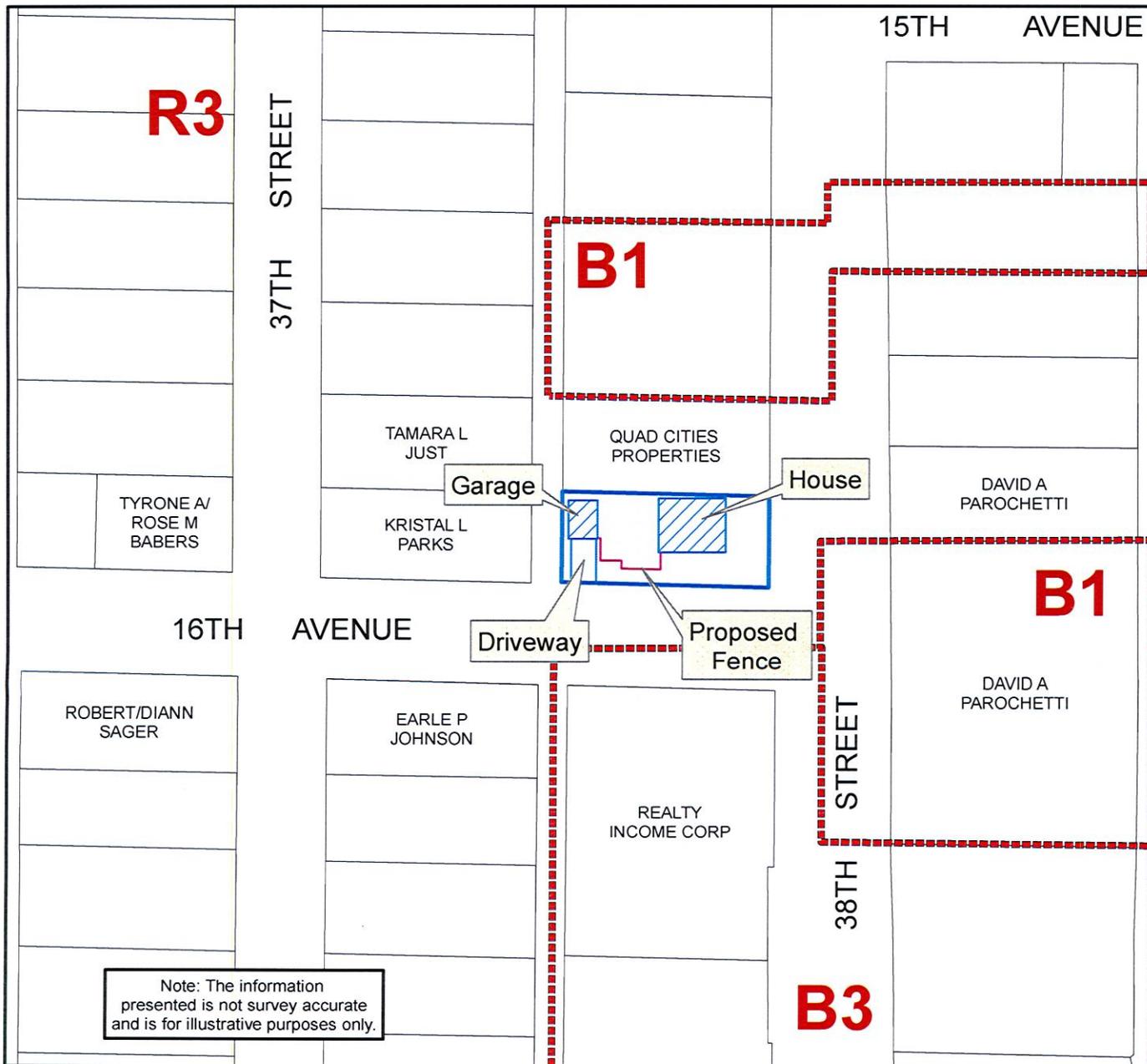
The applicant started the south front yard fence when the weather was more cooperative and then applied for the variance request. The applicant also indicated top staff some misunderstanding of the zoning regulation related to her property having two front yards. The fence is set back approximately eight to ten feet back from the south property line, but still extends approximately five feet out from the south façade of the residence. The fence then extends to the west with a small jog to the north around an existing tree.

The applicant indicates that they removed other trees in the south front yard and they need the taller fence for additional privacy and due to having a dog that could jump over a lower fence. The applicant also indicated that there are several corner properties in the neighborhood that have six foot privacy fences in one of its two front yards. Staff is investigating one property that that appears to have constructed the fence in 2017, while others seems to pre-date the zoning regulations.

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 it will not alter character of the neighborhood.

# BOARD OF ZONING APPEALS



## BOARD OF ZONING APPEALS 2018-1

### Legend

- Parcels
- Subject Property

DR. BY: K.G.D.  
APPR. BY: [Signature]



0 20 40 80 120 160 Feet

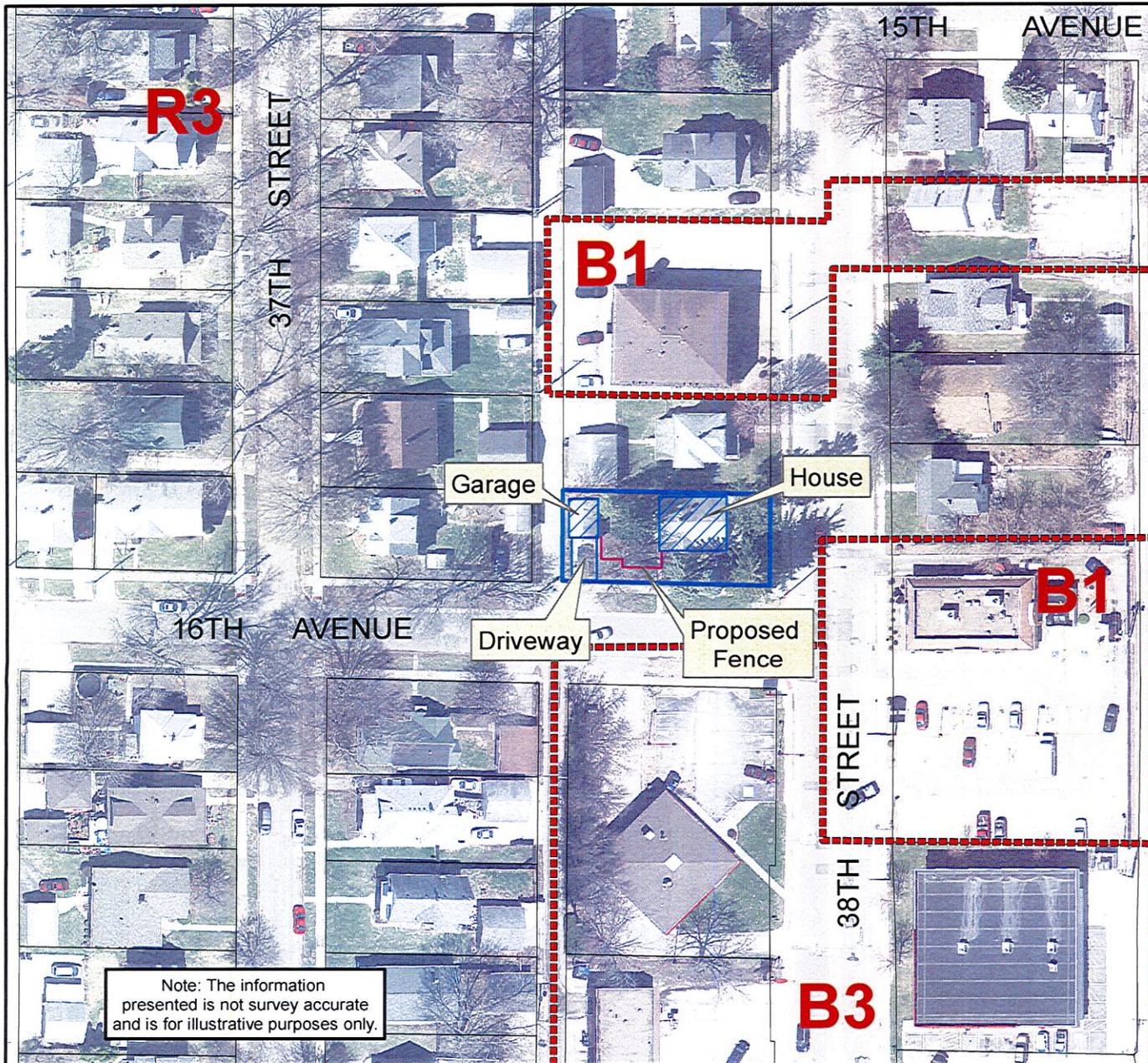
## City of Rock Island

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 2018-1 Aerial

### Legend

-  Parcels
-  Subject Property

DR. BY: K.G.D.

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



0 20 40 80 120 160 Feet

## City of Rock Island

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
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