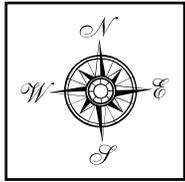


January

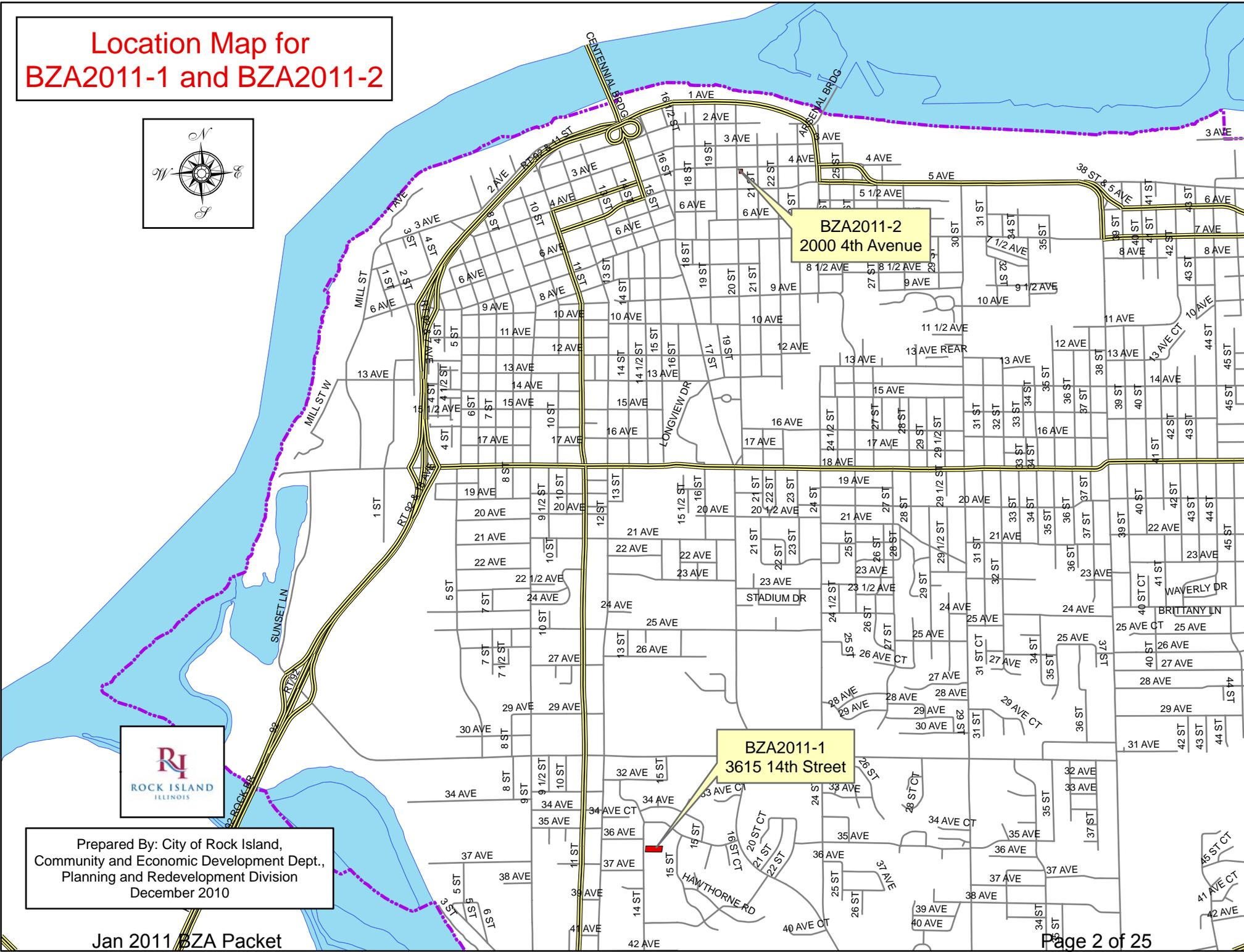
Rock Island Board of Zoning Appeals Regular Meeting Agenda January 12, 2011, 7:00 P.M.

1. Roll Call
2. Approval of the minutes of the regular meeting of December 8, 2010
3. Procedural Explanation
4. **Public Hearing #2011-01**: Ron Taber requests a variance of six feet of the eight-foot side yard setback requirement in an R-2 (one family residence) district. The applicant proposes to construct an attached garage addition (28' x 32') in the south side yard at 3615 14th Street, Rock Island, Illinois.
5. **Public Hearing #2011-02**: El Patron Restaurant requests a variance to allow a special exception to authorize a temporary outdoor advertising sign, a variance of 730 feet of the 1,000-foot separation requirement between outdoor advertising signs and a variance of 25 feet of the 25-foot setback requirement for an outdoor advertising sign in a B-3 (community business) district. The applicant proposes to maintain a temporary outdoor advertising sign (4' x 10') in the north and west front yards at 2000 4th Avenue, Rock Island, Illinois.
6. Other Business
7. Adjournment

Location Map for BZA2011-1 and BZA2011-2



Prepared By: City of Rock Island,
Community and Economic Development Dept.,
Planning and Redevelopment Division
December 2010



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

Regular Meeting

7:00 p.m.

December 8, 2010

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

Staff Present: Alan Carmen, 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 November 10, 2010 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 #2010-29 - Request from Donnie Moore for a variance of five feet of the six foot side yard setback requirement in an R-3 (one and two family residence) district at 535 43rd Street.

Mr. Fries presented the staff report. He explained that the Zoning requires a six-foot side yard in an R-3 zoning district (Section 16.5). The applicant proposes to construct an attached open deck (12' x 14') in the north side yard.

The proposed deck will have no impact on any adjacent property owner as it will overlook the wooded ravine area to the north. The proposed deck will extend out from the north façade and will be constructed up to one foot from the north property line. The subject lot is 3,000 square feet smaller than the minimum lot size for a lot within the R-3 zoning district and the house is also constructed very close to the east (rear) property line.

Chairman Snyder called for proponents.

Donnie Moore, 2210 29 ½ Street, was sworn in. He said that there had been a deck at approximately the same location that has been removed because of its poor condition.

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

Decision Case #2010-29 – Ms. Williams made a motion to approve the request because:

1. The proposed deck will improve the return on the property.
2. The lot is smaller than the minimum lot size in an R-3 district. The existing structure is also constructed up to the east (rear) property line.
3. The proposed deck will not alter the character of the neighborhood.

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

Public Hearing #2010- 30 – Request from Annette Zapolis, Cool Beanz Coffeehouse LTD., for a variance of 112 square feet of the 140 square foot maximum sign area allowed in a B-1 (neighborhood business) district. At 1325 30th Street.

Mr. Fries presented the staff report. He explained that the Sign Ordinance requires a maximum sign area equal to one square foot of signage for every foot of frontage (Section 5 {a} {2}). The lot has 140 feet of frontage on 14th Avenue. The applicant proposes to erect an attached sign, 60 square feet in area, on the south façade.

Currently there is a total of 192 square feet of sign area located on the south and east façade of the structure. These existing signs were located on the structure under previous Sign Ordinance regulations which allowed for more total sign area than the current ordinance (previous regulations allowed for two square feet of sign area for every foot of lot frontage).

The proposed lighted sign will be 60 square feet in sign area and will be located on the south façade between the existing awnings and sign for Klauer Heating and Air Conditioning sign (see attached drawing and photograph). The sign will be flat against the wall and be made of a lexan material. The sign will be used to advertise the business and as a message board. Staff believes that the additional signage is reasonable since the business is located on a corner.

Chairman Snyder called for proponents.

Annette Zapolis, 1205 E. River Drive in Davenport, was sworn in. Ms. Zapolis said the only signs she currently has on her building are on the awnings and that the proposed lighted sign will have a message board that will identify what items they have to offer for sale.

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

Decision Case #2010-30 – Mr. Tschappat made a motion to approve a request because:

1. The proposed sign will improve the return on the property by better identifying the coffee shop business.
2. The lot is a corner lot with two frontages
3. The proposed sign will not alter the character of the neighborhood.

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

Public Hearing #2010-31 - Request from Kathy Wilson for a variance of 26 feet of the 30 foot rear yard setback requirement in an R-2 (one family residence) district at 8012 7th Street West.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a 30-foot rear yard setback requirement in an R-2 zoning district (Section 15.5). The applicant proposes to construct an attached four-season room (12' x 22') that will connect the residence to an existing two-car detached garage located in the west rear yard.

The proposed four-season room will be used to connect the residence to the existing detached garage. The space will be used to locate a hot tub the applicant needs to use for health reasons. Since the garage will be connected to the house the garage setback is changed to be a 30-foot rear yard setback requirement (setback for principal structure and its addition). It is not feasible to relocate the existing garage to meet the new setback requirements.

Chairman Snyder called for proponents.

Brook Wilson Clemons, 521 Bruce Avenue in Milan, was sworn in. She said that she was Kathy Wilson's daughter and that the addition was needed to connect the house to the detached garage so her mother could get from one to another without having to go outside in inclement weather. She said that her mother has health problems and has fallen on the driveway before during the winter months.

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

Decision Case #2010-31 – Mr. McAdam made a motion to approve the request because:

1. The proposed addition will improve the return on the property.
2. There currently exists a four foot setback for the existing detached garage. The addition will not change the existing garage setback off the rear property line.
3. The proposed addition will not alter the character of the neighborhood.

Ms. Williams seconded the motion, and it passed unanimously.

Public Hearing #2010-32 - Request from Mike Rosch, Aldi Inc. for a special exception to authorize an approximate 59 square foot freestanding outdoor advertising sign, a variance of 24 feet of the 50 foot separation from residentially zoned property, and a variance of 24 feet of the 25 foot front yard setback requirement for a freestanding outdoor advertising sign in a B-3 (community business) district at 3700 18th Avenue.

Mr. Fries presented the staff report. He explained that the Sign Ordinance requires that freestanding outdoor advertising signs be authorized by the Board in a B-3 district, that there be a 25-foot front yard setback requirement and a separation standard of 50 feet from residentially zoned property (Section 6 {a} {4}). The applicant proposes to erect a freestanding outdoor advertising sign (59 square feet in area and 25 feet in height from grade to top of sign) identifying Aldi Food Stores (store located on adjacent lot to south) located on the subject property in the north front yard.

The Aldi Supermarket is proposing to relocate from its current location on the east side of 38th Street to the former Ace Hardware structure located on the lot to the south of the subject property. Since the structure is located on a separate lot to the south of 18th Avenue the applicant desires to locate a freestanding sign on the subject lot (since it is located on separate lot the proposed sign is considered an “outdoor advertising sign” by Sign Ordinance definition).

The proposed 59 square foot internally lighted freestanding sign will be placed on standards raising the sign 25 feet from grade level. The total sign area will include space for another tenant at either the subject property or the former Ace Hardware structure. The proposed sign will be located one foot from the north property line to the east of the access point off of 18th Avenue.

He said the City has received a Statement of Interested party from a representative of the American Bank, 3700 18th Avenue.

Chairman Snyder called for the proponent.

Mike Rosch, One Aldi drive in Dwight, Illinois, was sworn in. He said that Aldi Food Store will be relocating from its current location at the southeast corner of 18th Avenue and 38th Street to the former Ace Hardware building that is located to the south of the subject property. He said the sign is needed at the proposed location to be visible from traffic traveling on 18th Avenue. He said that an easement agreement with the American Bank was executed this past Monday (December 6, 2010).

Chairman Snyder asked if a representative from the American Bank would like to ask the applicant any questions. John Kustes, 17221 Cedar Road in East Moline and representing American Bank, replied that he did not have any questions, but that he would be speaking in favor of the request.

Chairman Snyder asked him to proceed with his comments.

Mr. Kustes was then sworn in. He said that he has reviewed the design of the sign and does not have any

objections because it will allow adequate space for other potential tenants to place sign identification on the proposed sign.

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

Decision Case #2010-32 – Ms. Williams made a motion to approve the request because:

1. The proposed sign will improve the return on the property by better identifying the supermarket to 18th Avenue drivers.
2. The lot is a corner lot with two street frontages and the proposed supermarket store is set back from 18th Avenue.
3. The proposed sign will not alter the character of the neighborhood.

Mr. McAdam seconded the motion and said that he is pleased Aldi Food Stores is moving into a larger building.

Chairman Snyder agreed and called for a vote on the motion to approve the request, and it passed unanimously

Public Hearing #2010-33 - Request from Dale Muller for a variance of 3.5 inches of the six foot maximum height requirement for a fence in a side and rear yard in an R-2 (one family residence) district at 8518 17th Street West.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a maximum height of six feet for a fence in a side and rear yard (Section 8.12). The applicant proposes to maintain a solid privacy fence (parts of fence measured at 6' 3.5") in the north side and rear yards.

The City received a complaint regarding the location and height of the privacy fence. The location issue was handled through a civil process (City does not enforce property line disputes), but the fence still exceeds the six-foot height requirement due to it not following the natural topography of the rear yard (top of fence is straight, but rear yard slopes to result in extended space between grade and the bottom of the fence). Staff measured the fence in several locations from grade and determined that there are parts of the fence that are approximately 3.5 inches above the six-foot height requirement. Staff does not believe that the existing fence height has a negative impact on the character of the neighborhood.

He said that a Statement of Interested Party had been received and then removed from John and Susan Schneider, 8512 17th Street. He said that Mr. Schneider had called the City to remove his opposition and Interested Party request. He also said a letter of support had been received from Charles Hauman, 1718 85th Avenue West.

Chairman Snyder called for proponents.

Dale Muller, 8518 17th Street West, was sworn in. He said that the fence was put in and is a quality fence that they want to maintain. He said that the grade change in the yard results in the fence exceeding the six foot height requirement in a few places.

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

Decision Case #2010-33 – Mr. McAdam made a motion to approve a variance because:

1. The fence has improved the return on the property.
2. The fence has not altered the character of the neighborhood.

Ms. Williams seconded the motion, and it passed unanimously.

Public Hearing #2010-26 - Request from Tim Bierman for a variance of 4.5 feet of the eight foot side yard

setback requirement in an R-3 (one and two family residence) district at 920 19th Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires an eight-foot side yard setback for a two-story structure (Section 15.5) and a six-foot separation between an accessory structure and a principal structure (Section 8.5A). The applicant proposes to construct a detached garage (22' x 28') in the south side yard.

Currently there is not a garage on the property. The north/south public alley to the rear of the property is not located as to provide access for the subject property. The applicant desires to locate the proposed garage off an existing gravel driveway along the south side yard. He will improve the existing driveway to asphalt or concrete. He desires to locate the detached garage in the side yard to save on the cost of extending the driveway into the rear yard. The proposed one story garage will be located 3.5 feet from the south property line and four feet from a bump out addition along the south façade of the residence.

Chairman Snyder called for proponents.

Tim Bierman, 920 19th Street, was sworn in. He said that the proposed garage will be the same color as the residence and will also have a window in front of the structure. He said that he cannot locate the structure in the rear yard because there is no access to the alley to the rear of the property.

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

Decision Case #2010-34 – Mr. McAdam made a motion to approve a variance because:

1. The proposed variance will improve the return on the property.
2. The public alley to the rear of the property does not provide access to the subject property.
3. The proposed variance will not alter the character of the neighborhood.

Ms. Williams seconded the motion, and it passed unanimously.

Chairman Snyder adjourned the meeting at 7:44 p.m.

Respectfully Submitted,

Alan M. Carmen, Secretary
Rock Island Board of Zoning Appeals

REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: December 30, 2010

SUBJECT: Case #2011-01- Request for a variance from the side yard setback requirement for an attached garage addition in an R-2 (one family residence) district.

Applicant:
Ron Taber

Location:
3615 14th Street

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

Size of Property:
The property measures 105' x 320' (33,600 square feet).

Zoning History:
Board of Zoning Appeals Case #77-24- Request for setback variance for accessory structure from south property line was approved.

BZA Case #91-3- Request for variance from separation between accessory structure and addition onto principal structure was approved.

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

Topography:
The site slopes up four to five feet from street level and then levels off at the house location. The rear yard slopes down into a ravine area.

Affected Requirements:
The zoning ordinance requires an eight foot side yard setback requirement for additions onto a principal structure (Section 15.5). The applicant proposes to construct an attached garage addition (28' x 32') in the south side yard.

Conditions to Authorize Variances:

1. Reasonable Return: The proposed addition will improve the return on the property.
2. Unique Circumstances: The rear yard slopes down into a ravine area.
3. Character Alteration: The proposed addition will not alter the character of the neighborhood.

Comments:

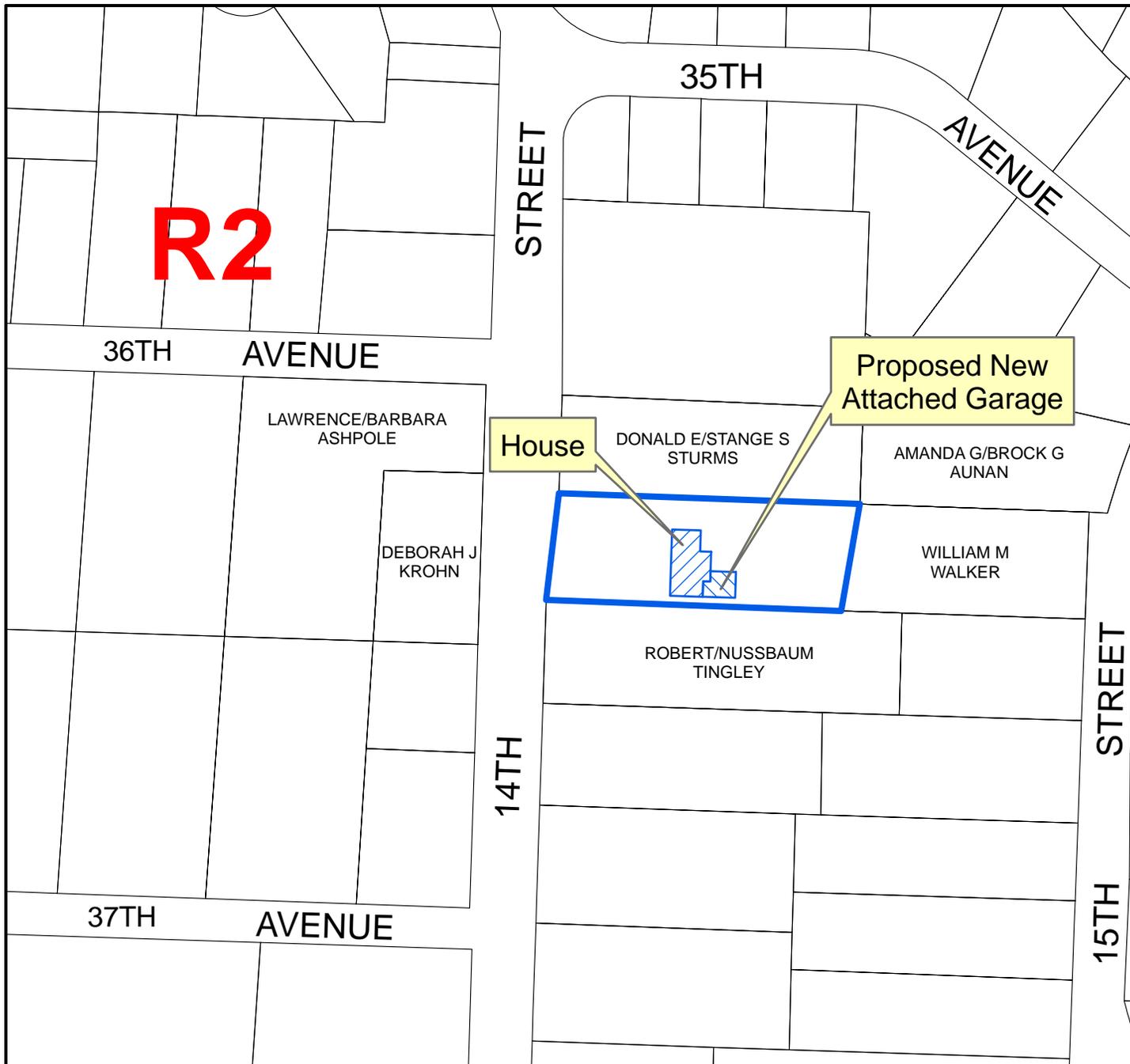
The applicant will remove the existing two-car detached garage that he believes was constructed in 1924 and is now in need of repair. The proposed three-car attached garage will be located at approximately the same distance from the south property line (two feet), but will now be attached to the house addition that was granted a separation variance in 1991. The one story garage addition will match the exterior wall materials on the south side of the residence.

The property is located to the south of a Local Landmark located at 3601 14th Street. The Preservation Ordinance allows the Preservation Commission to comment to the Board regarding requests within the district to determine impact on local landmark structures. Comments from Preservation Commission members received by staff have unanimously stated that the request will not have a negative impact on the adjacent Local Landmark.

Recommendation:

That the variance be approved because the proposed addition will improve the return on the property, the rear yard of the property slopes down into a ravine and it will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS

2011-1

Legend

 Parcels

 Subject Property

DR. BY: K.G.D.

APPR. BY: A.M.C./A.F.



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City of Rock Island

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DEVELOPMENT DEPARTMENT
Planning and Redevelopment



BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2011-1 Aerial Legend

-  Parcels
-  Subject Property

DR. BY: K.G.D.
APPR. BY: A.M.C./A.F.

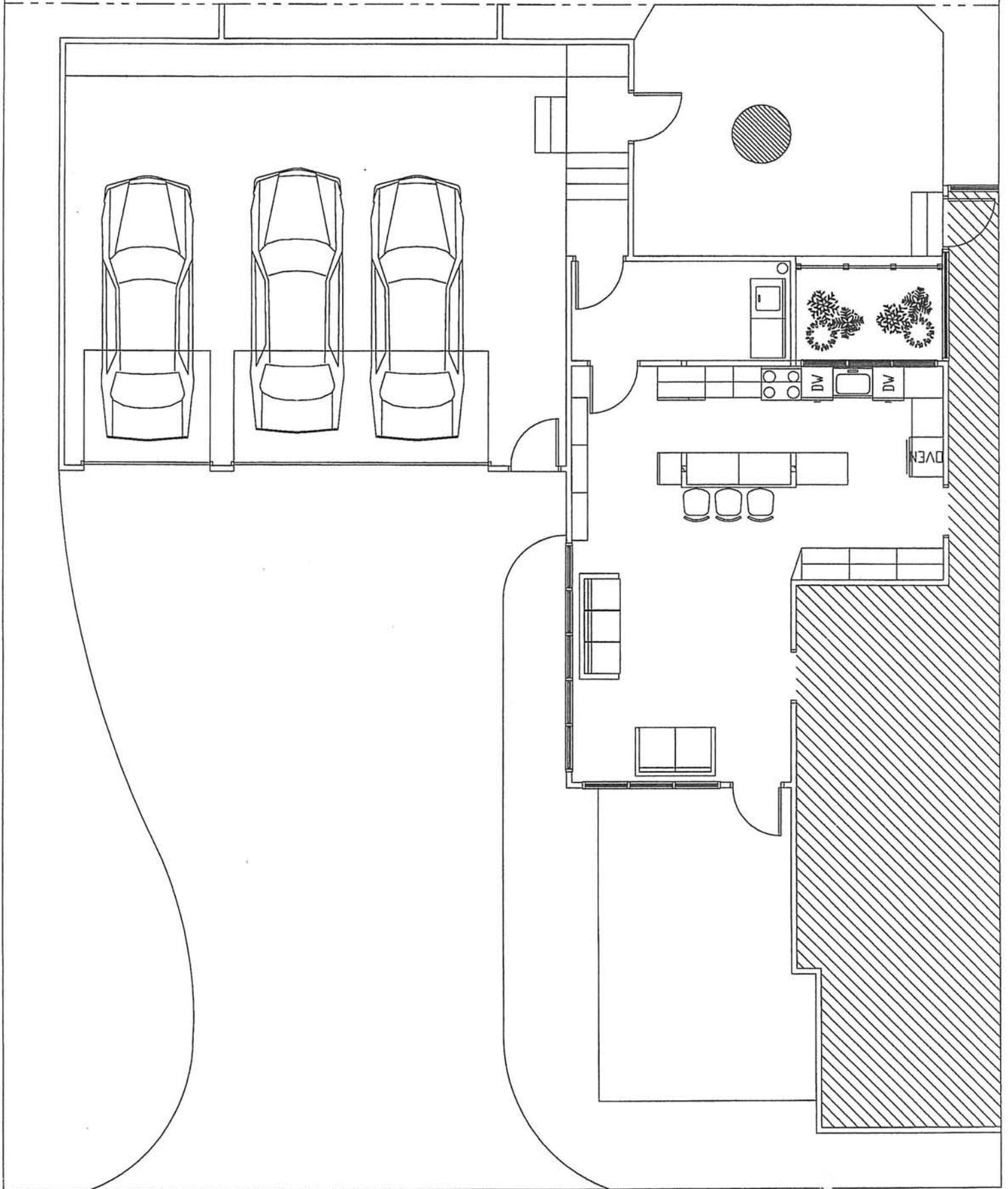


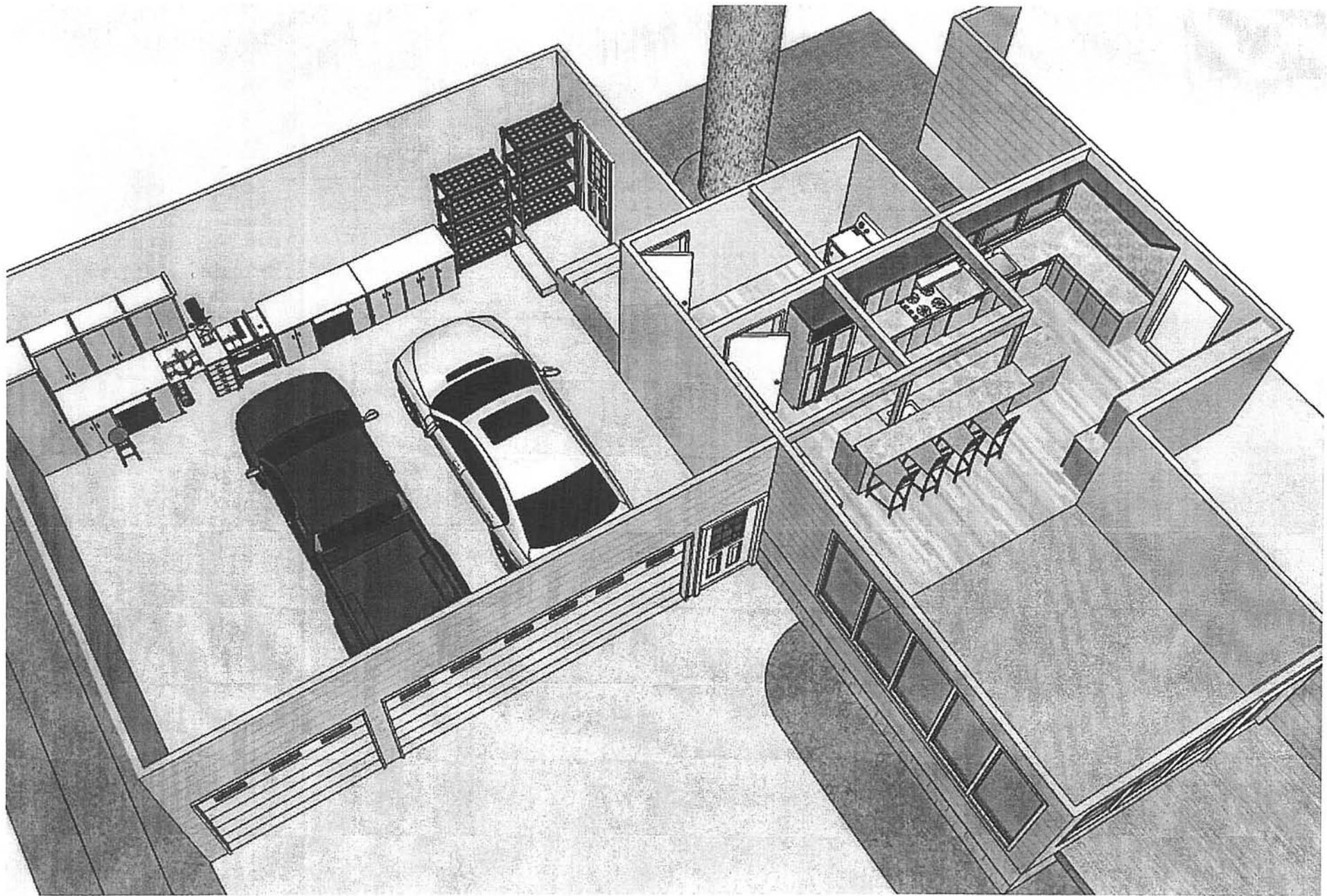
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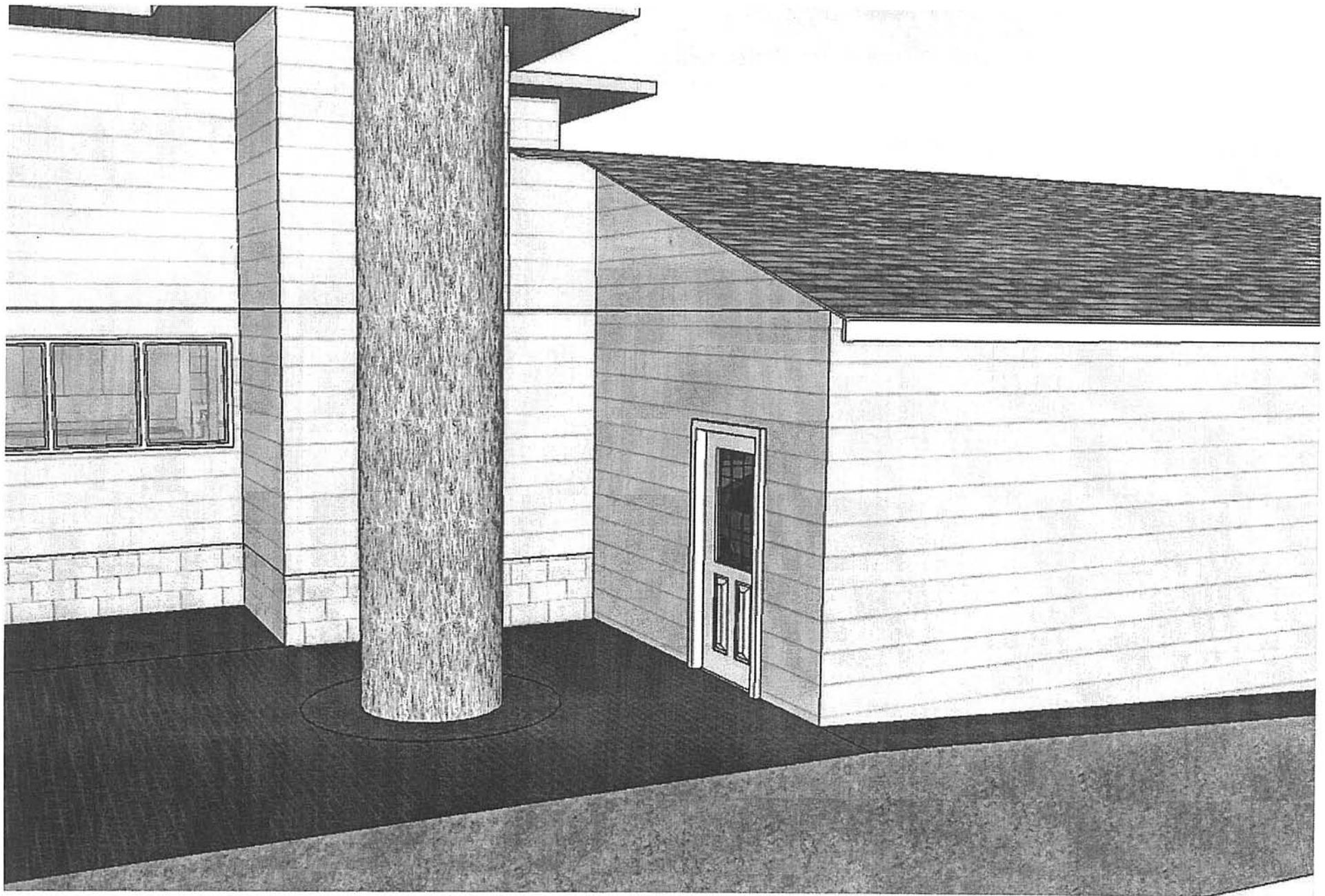
City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment













REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: December 30, 2010

SUBJECT: Case #2011-02- Request for a special exception to authorize an outdoor advertising sign and variances from separation requirements and front yard setback requirements for a freestanding outdoor advertising sign in a B-3 (community business) district.

Applicant:
El Patron Restaurant

Location:
2000 4th Avenue

Request:
To allow a special exception to authorize a temporary outdoor advertising sign, a variance of 730 feet of the 1,000 foot separation requirement between outdoor advertising signs and a variance of 25 feet of the 25 foot front yard setback requirement for an outdoor advertising sign in a B-3 (community business) district.

Size of Property:
The property measures 69' x 80' (5,520 square feet).

Zoning History:
None.

Existing Land Use and Zoning:
The neighborhood is primarily a commercial area on the eastern fringe of downtown, B-3 and B-2.

Topography:
The site is flat and at street level.

Affected Requirements:
The sign ordinance requires that freestanding outdoor advertising signs be authorized by the Board, have a maximum front yard setback of 25 feet and be separated from other outdoor advertising signs by 1,000 feet (Section 6 [a] [4]). The applicant proposes to maintain a temporary outdoor advertising sign (4' x 10') in the north and west front yards.

Conditions to Authorize Variances:
1. Reasonable Return: The property can yield a reasonable return without the variance.

2. Unique Circumstances: None.

3. Character Alteration: The existing outdoor advertising sign has altered the character of the neighborhood.

Comments:

City staff received concerns regarding the sign from City Council members Jason Jones (5th Ward) and Joy Murphy (6th Ward). The subject property is located in the 5th Ward. Staff contacted the operators of the Los Amigos Vehicle Repair Business and explained the violations on the property. The business operators of Los Amigos contacted their cousins who operate El Patron Restaurant at 1806 2nd Avenue about the situation and they paid the fee to file the application to the Board to consider the request for authorization and variances.

The applicant located the temporary outdoor advertising freestanding sign on the subject property to advertise the restaurant since it is located on the Downtown Plaza and does not have any “drive-by” traffic. According to the Sign Ordinance the subject sign is defined as an outdoor advertising sign since it would “direct attention to a business, product, service or activity not necessarily intended to be sold or offered upon the premises where such sign is located”. The subject sign is also defined as a “temporary sign”; since it is not affixed to the ground (sign pole is located in a metal barrel that has concrete poured in to secure it).

The Sign Ordinance also regulates the location and separation standard between outdoor advertising signs. In the B-3 zoning district an outdoor advertising sign must be authorized by the Board and be separated by 1,000 feet from any existing outdoor advertising sign. Currently, there is an outdoor advertising sign within 270 feet of the proposed location of the sign on the subject property (an existing outdoor advertising sign is located in the undeveloped area on 2027 4th Avenue and is visible on attached aerial). There is also a 25 foot front yard setback requirement, which since this is a corner lot would be from the north and west property lines.

Staff believes that allowing the sign to be used to advertise another business does not meet the standards for separation between outdoor advertising signs and will add to the proliferation of signs along the corridor. Outdoor advertising sign area is not figured in the total sign area allowance on a property, so variances like the one requested could allow for significantly more signs on the commercial property than allowed for on-premise signs. This would add to the visual clutter of increased signs along corridors here and in other commercial areas.

The Downtown Design Guidelines identifies a prohibition of any new outdoor advertising signs within “The District”. These Guidelines were adopted by the Rock Island Preservation Commission and Renaissance Rock Island “to help property owners understand the importance of design considerations and to raise expectations of good design”. The Guidelines are only binding for certain City and/or Federal programs, but provide good design direction for the enhancement of all The District and downtown area.

Recommendation:

That the special exception and variances be denied because the property can yield a reasonable return without the variance, there is no unique circumstance and the existing sign has altered the character of the neighborhood.

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2011-2

Legend

- Parcels
- Subject Property

DR. BY: K.G.D.
 APPR. BY: A.M.C./A.F.

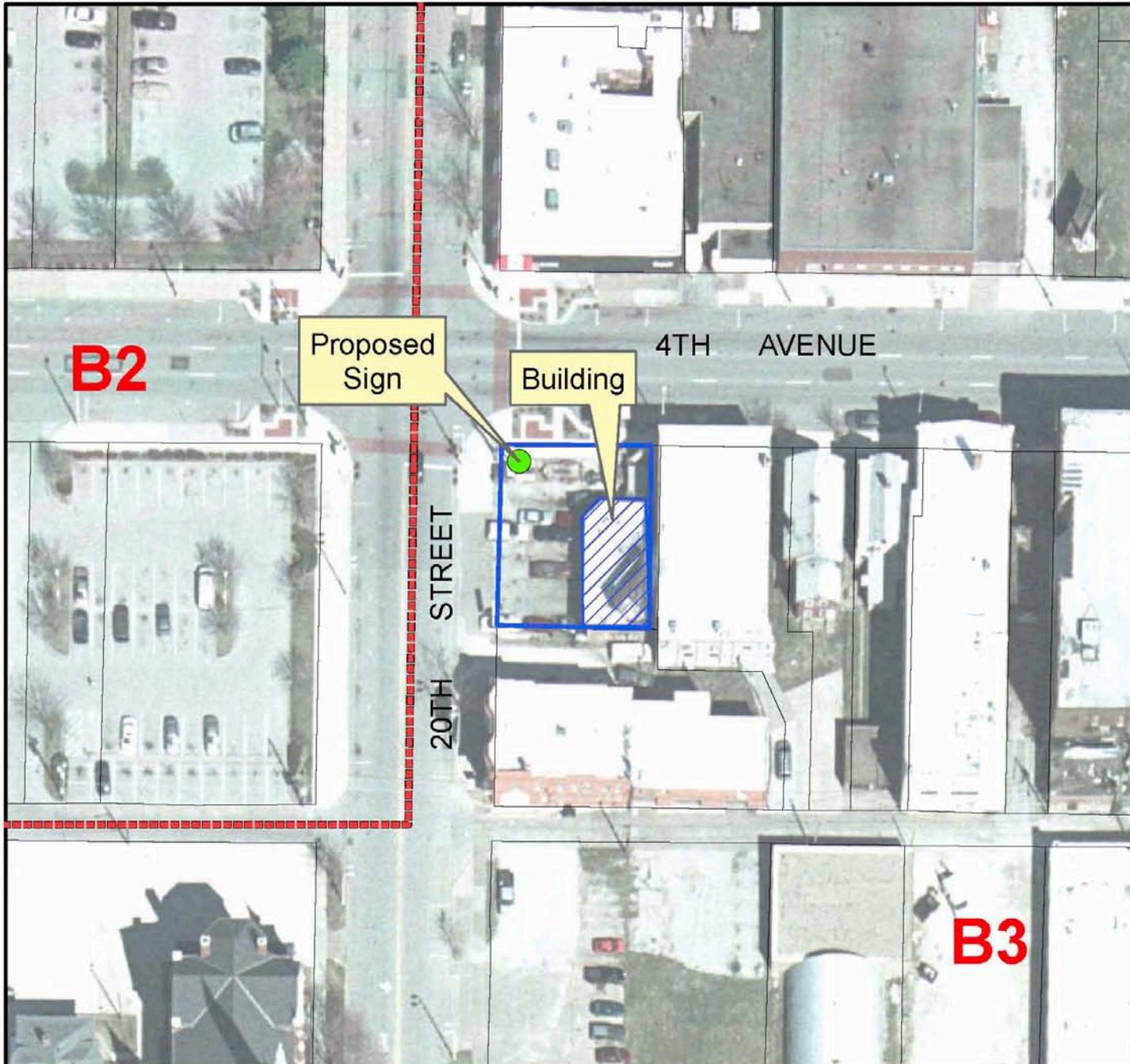


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 Planning and Redevelopment



BOARD OF ZONING APPEALS

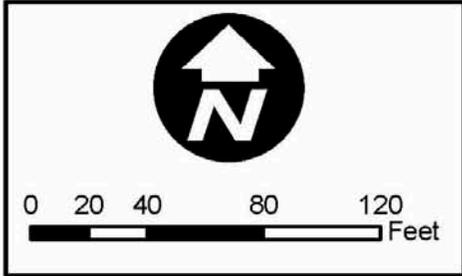


BOARD OF ZONING APPEALS 2011-2 Aerial

Legend

- Parcels
- Subject Property

DR. BY: K.G.D.
APPR. BY: A.M.C./A.F.



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