

April

Rock Island Board of Zoning Appeals Regular Meeting Agenda April 14, 2010, 7:00 P.M.

1. Roll Call
2. Approval of the minutes of the regular meeting of February 10, 2010
3. Procedural Explanation
4. **Public Hearing #2010-04**: Jerry Bergheger (O'Melia's Restaurant) requests a variance of 13 feet of the 20 foot front yard setback requirement for a structure in a B-4 (highway business) district. The applicant proposes construct an attached deck (20' x 60') in the north front yard at 2900 Blackhawk Road, Rock Island, Illinois.
5. Other Business
6. Adjournment

In Joliet, Illinois it is illegal to mispronounce the name Joliet.

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

Regular Meeting

7:00 p.m.

February 10, 2010

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

Staff Present: Alan Fries, Doris Quigley

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

Approval of Minutes –Mr. Snyder made a motion to approve the Minutes of the January 13, 2009 meeting. Ms. Jalloh seconded the motion, and it passed unanimously.

Procedural Explanation - Chairman Tschappat explained the procedure to be followed for the public hearing.

Public Hearing #2010-02 - Request from Rock Island Milan School District # 41 (Earl Hanson Elementary School) for a special exception to expand an authorized use in an R-3 (one and two family residence) district at 4000 9th Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires Board authorization to expand an authorized school use (Section 16.3). The applicant proposes to construct an approximate 3,000 square foot one story cafeteria and in the north side yard of the site.

The one story addition will be used entirely for cafeteria space. Students currently eat in the school's gym, which is also located in the west side of the building. The addition will extend approximately 35 feet to the north of the existing north facade of the structure and also extend 15 feet to the west of the existing west facade of the structure. No new employees are expected to be hired as a result of the new addition.

Chairman Tschappat called for proponents.

Scott Bankford, 2830 E. 43rd Street in Davenport and architect for the school district, was sworn in. He said that the addition would be almost entirely on existing pavement and that there would not be a new kitchen for the project. He said some parking spaces would need to be removed, but the addition would not require any additional parking to be provided since no new employees would be added to the school.

Mr. Snyder asked if the school enrollment would increase.

Ben Hott, 2510 23 ½ Avenue and representing the Rock Island Milan School District, was sworn in. He said that the school does not plan to have increased enrollment, but the big benefit will be to have a regular school cafeteria rather than continue to use the gym for school lunch.

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

Decision Case #2010-02 – Mr. McAdam a motion to approve the request because:

1. The addition will expand the educational facilities for the school.
2. The proposed addition will not alter the character of the neighborhood.

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

Public Hearing #2010-03 - Request from Terri Elliot for a variance to allow residential space on the first floor

of a structure in a B-1 (neighborhood business) district at 1320 38th Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires that any residential space in a business zoning district only be located above a first floor (Section 22.5N). The applicant proposes to retain residential living space on the first floor while also adding a massage therapy business to the first floor in the existing single family residence.

Chairman Tschappat called proponents.

Terri Elliot, 5703 134th Avenue West in Milan, was sworn in. She said she has been a full time nurse for 20 years and now wants to do massage therapy out of the residence that she owns. She added that it is located next to a business area and zoned for business.

Mr. Snyder asked if she planned on having walk in business. Ms. Elliot replied that it would be by appointment. She said that she plans a sign that would identify the business name, which would be called "It's All About You"

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

Decision Case #2010-03 – Ms. Jalloh made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. The structure has been used as a duplex and a single family residence in the past. The applicant will only use one room of the first floor for the massage therapy business.
3. The proposed use will not alter the character of the neighborhood.

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

Chairman Tschappat adjourned the meeting at 7:31 p.m.

Respectfully Submitted,

Alan Fries, Acting Secretary
Rock Island Board of Zoning Appeals

REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: March 31, 2010

SUBJECT: Case #2010-04- Request for a variance from the front yard setback requirement in a B-4 (highway business) district.

Applicant:
Jerry Bergheger (O'Melia's Restaurant)

Location:
2900 Blackhawk Road

Request:
To allow a variance of 13 feet of the 20-foot front yard setback requirement in a B-4 (highway business) district.

Size of Property:
The property measures 170' x 336' x 170' x 310' (57,120 square feet in area, or 1.31 acres).

Zoning History:
Planning Commission Case #2008-10- Request for location of new freestanding sign in the north front yard located within Riverfront Corridor Overlay District was approved.

Existing Land Use and Zoning:
The site is occupied by a restaurant, zoned B-4. To the north are single family residences, zoned R-2. To the east and west are business uses, zoned B-4. To the south are single family residences located in unincorporated Rock Island County, zoned R-1 (one family residence) district.

Topography:
The site slopes downward approximately 10 feet from street level.

Affected Requirements:
The zoning ordinance requires a 20-foot front yard setback requirement in a B-4 district (Section 28.6). The applicant proposes to construct an attached deck (20' x 60') in the north front yard.

Conditions to Authorize Variance:

1. Reasonable Return: The proposed addition will improve the return on the property.
2. Unique Circumstances: The deck is located at the optimum site based on the interior floor plan of the restaurant, being adjacent to the interior eating area of the restaurant and the kitchen is located in the rear of the building.
3. Character Alteration: The proposed addition will not alter the character of the neighborhood.

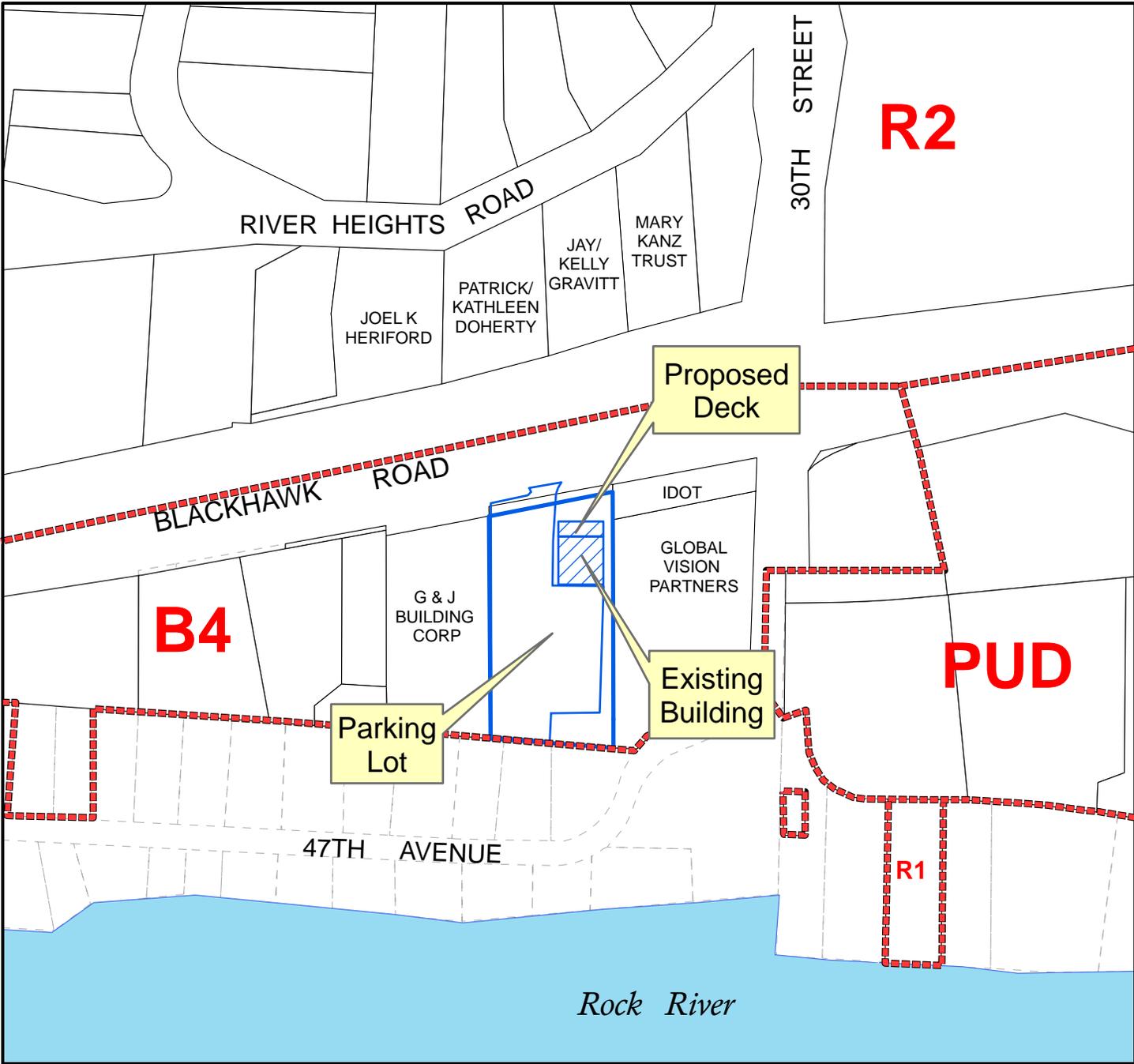
Comments:

The proposed open deck will provide an outside dining area that can be used during warm weather months of the year expanding the dining experience at the restaurant (see attached drawing). The deck will extend 20 feet out from the building with an additional four foot wide handicapped ramp extending out and leading from the parking lot to the deck (handicapped ramps are exempt from setback requirements). There will be a seven foot front yard maintained on the site. A new enclosed entry area will also be constructed on the deck leading into the main building.

Recommendation:

That the variance be approved because it will improve the return on the property, the deck location best fits the restaurants interior floor plan and will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS

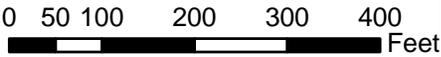


**BOARD OF ZONING APPEALS
2010-4**

- Rivers
- R.I. City Parcels
- Unincorporated Parcels
- Subject Property

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





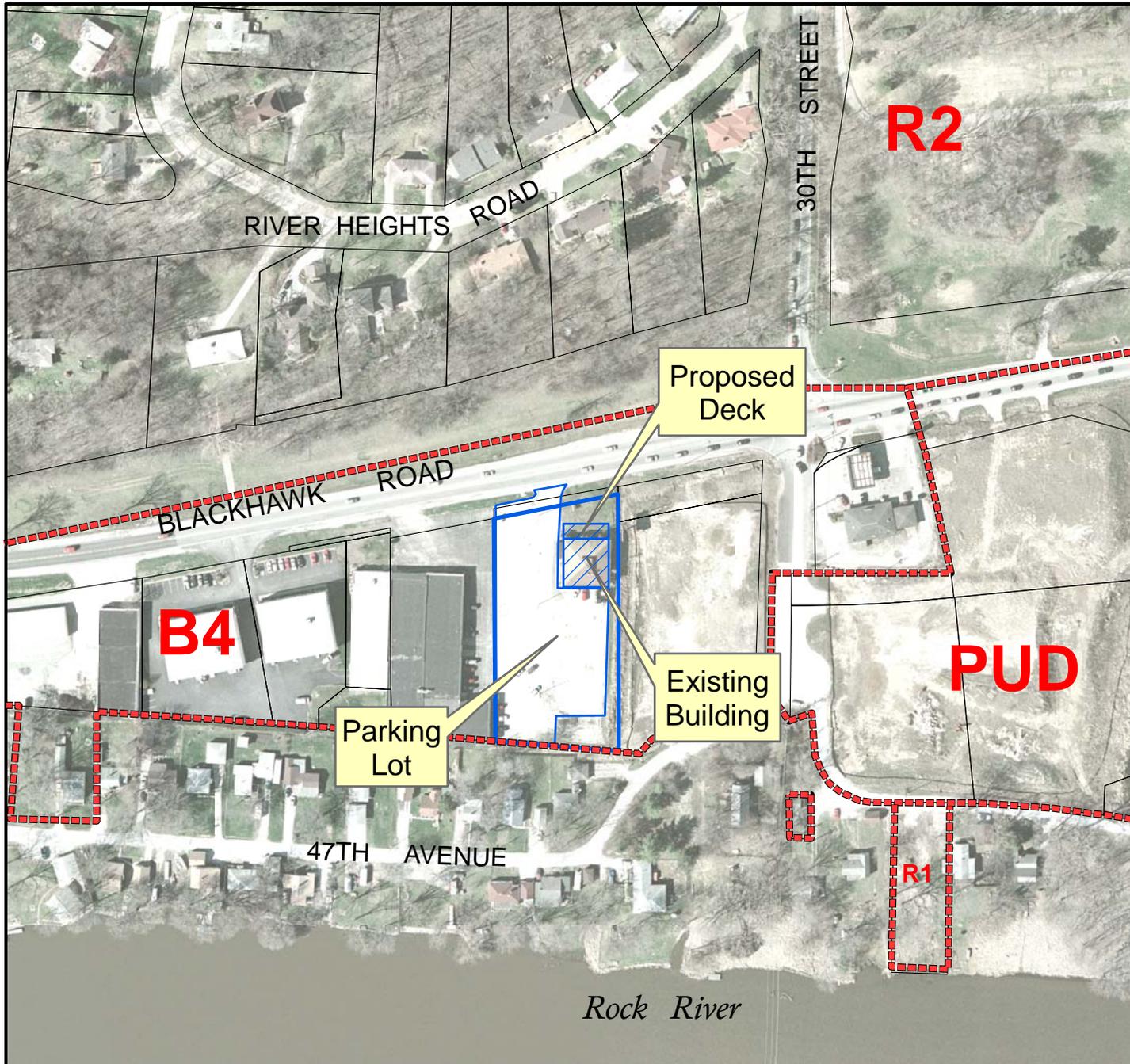
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City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2010-4

- R.I. City Parcels
- Subject Property

* Note: Aerial Flown 2005

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



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