

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

Regular Meeting

5:30 p.m.

May 8, 2019

ATTENDANCE:	(x) Present	() Absent
(x) Kevin Day		(x) Dave McAdam
(x) Donald Mewes		() Nicole Finnie
(x) Gary Snyder		() Bill Sowards
() Jeffrey Wright		

Staff Present: Miles Brainard, Alan Fries.

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

Approval of Minutes – Mr. Day made a motion to approve the Minutes of the April 10, 2019 regular meeting. Mr. Mewes seconded the motion, and it passed unanimously.

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

Public Hearing #2019-06: The applicant, Make It Happen Improvements, has filed a request for a special exception to expand a nonconforming use, a variance to locate a new dwelling unit on the first floor of an existing apartment building and a parking variance of the two off street parking space requirement for this new unit in a B-1 (neighborhood business) district at 3814/3816/3820 14th Avenue.

Mr. Fries presented the staff report. He explained the applicant proposes to locate an additional first floor dwelling unit in a former first floor office area of the nonconforming 19 unit two story apartment building.

Chairman Snyder called for proponents.

Rick Rhodes, 2816 38th Avenue, was sworn in. He said the apartments will be marketed to college students and they will have a shuttle to take students to college. He said he is asking for a variance for only two parking spots.

Mr. Mewes asked where residents of the apartments in the past parked. Mr. Rhodes replied in the far parking lot owned by Hardees restaurant.

Chairman Snyder asked for the Interested Parties to come forward to ask questions.

Julia Elston, 1405 39th Street, was sworn in. She asked how the applicant would deal with students drinking alcohol at the site. Mr. Rhodes replied that the person doing transportation shuttling would also be at the site 24 hours to deal with those types of issues.

Ms. Elston then asked what he was going to do about the lack of parking. Mr. Rhodes replied that he has been talking with the owners of M & M Hardware to see if residents could park in their parking lot

overnight until 7:00 a.m. in the morning. He said maybe an ADA (Americans with Disability Act) parking space could be located on 14th Avenue. He said only one person would be renting each apartment.

Chairman Snyder called for opponents.

Chuck Mulkey, 9929 Turkey Hollow Road in Taylor Ridge, Illinois, was sworn in. He said the apartments would cause more stress on the parking situation in the area and that he will not allow residents to park in his parking lots.

Julie Elston, 1405 39th Street, said that she lives two blocks away, but there are already parking issues from the former apartments and businesses along 14th Avenue that affect their property.

Chairman Snyder called for a rebuttal.

Mr. Rhodes said the apartments are not currently occupied because they are under renovation. He said there will be the 19 nonconforming use apartments and they are only asking for an expansion of one additional dwelling unit.

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

Decision Case #2019-06 – Mr. Day made a motion to deny the request because:

1. Reasonable Return: The property can yield a reasonable return without the variance.
2. Unique Circumstances: There is no unique circumstance.
3. Character Alteration: The first floor additional dwelling space will alter the character of the neighborhood.

Mr. McAdam seconded the motion, and it passed unanimously (Day, McAdam, Mewes and Snyder).

Public Hearing #2019-09: The applicant, Chris Salazar/Arsenal Properties, LLC, requests a variance of 160 feet of the 300 foot separation requirement between an existing Unrelated Group Family Use and a proposed Unrelated Group Family Use in an R-3 (one and two family residence) district at 3215 7th Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires there be a 300 foot separation requirement between an existing and proposed Unrelated Group Family Use (Section 4.62C). The applicant proposes to maintain an existing unapproved Unrelated group Family Use for 5 individuals in the single family residence on the site.

The closest existing Unrelated Group Family Use is located to the southeast at 3336 7th Avenue. Other existing Unrelated Group Family Uses nearby are located at 3400 7th Avenue, 721 34th Street, 602 32nd Street, 3406 6th Avenue, 3412 6th Avenue and 3418 6th Avenue. The 300 foot separation requirement between Unrelated Group Family Uses was developed to reduce the concentration of these types of uses in neighborhoods in the city.

There is a long standing property maintenance code violation at the property that needs to be resolved in a timely manner. The retaining wall along the south hillside is in critical need of repair and replacement.

This issue has not been resolved since last summer and is a safety concern not only to dwellings residents, but to pedestrians walking along the sidewalk. Staff recommends that a temporary use be approved, so the current residents can remain in the dwelling until their lease expires, but that a full variance not be approved for 5 unrelated group residents to reside at the property until the code violation is resolved.

Chairman Snyder called for proponents.

Deborah Weber, 47 Crestwood Terrace in Davenport, was sworn in. She said she was the property manager for the applicant and that there are five students currently living at the site and there is a lease for five new students to live there next school year. She said they will have the work done on the retaining wall within 60 days.

Chairman Snyder said you would like to have the staff recommended stipulation changed to have the work done by 60 days, or June 30, 2019.

Ms. Weber said that the students will not move in until August.

Rick Rhodes, 2816 38th Avenue, was sworn in. He said he is going to be the contractor for the work on the retaining wall and although he is very busy he old have the work done by June 30th.

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

Decision Case #2019-09 – Mr. Mewes made a motion to approve a temporary use until June 30, 2019 because:

1. Reasonable Return: The temporary use will improve the return on the property.
2. Character Alteration: The temporary use will not alter the character of the neighborhood.

He stipulated that the temporary use is contingent on a building permit application for the retaining wall be submitted and approved by the City and that the work be completed and approved by the City by June 30, 2019 and that the applicant must submit an application for a full variance request to be considered at the July 10, 2019 regular meeting.

Mr. McAdam seconded the motion and passed unanimously (Mewes, McAdam, Day and Snyder)...

Public Hearing #2019-10: The applicants, Nicolas and Teresa English, requests a variance of 2.5 feet of the 3.5 foot maximum fence height in a front yard, a variance to locate an accessory structure in a front yard and a variance to allow a gravel surface for an off street parking area in the south rear yard in an R-3 (one and two family residence) district at 940 and 948 34th Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that an accessory structure be located in a side or rear yard, that fences not exceed 3.5 feet in a front yard and that parking areas be constructed of asphalt or concrete (Section 8.5A, Section 8.12 and Section 8.14). The applicant proposes maintain a 6 foot tall privacy fence and an accessory storage structure in the north front yard and locate gravel parking areas in the south rear yard of the site.

Staff became aware of the conditions on the property from a neighbor inquiry. The main concern was the

location and condition of several vehicles and trailers parked on an unimproved surface in the east side yard extending all the way to the alley in the south rear yard of the site. The applicant has relocated or removed most of the vehicles (motor home included) and trailers and now desires to only use the south 15 feet of the property to park vehicles and trailers on a new gravel. The applicants indicate that bringing the parking area up to Zoning Ordinance requirements (asphalt or concrete) would be cost prohibitive.

The City did not receive a complaint regarding the fence or accessory structure, but they were identified during enforcing the issues with the vehicles and trailers parked on the unimproved surface. The applicants indicate that the privacy fence has been located on the property since approximately 1999 and the accessory building has been in the front yard since approximately 2009. Zoning Ordinance was revised in 1991 to require all front yard fences to not exceed 3 ½ feet in height. The Ordinance had always not allowed accessory structures to be located in a front yard without a variance.

Staff recommends that the existing fence located in the north front yard receive a variance to allow it to remain as it has been there for many years, but that the variance for the more recently located accessory structure be denied. There is ample room to relocate the accessory structure into the east side yard, or south rear yard. Staff also recommends that the variance to allow a gravel parking area for vehicles and trailers be approved for the south 15 foot of the south rear yard (identified on case map) to accommodate the applicant's additional vehicles, motor home and trailers

Chairman Snyder called for proponents.

Nicolas English, 940 34th Avenue, was sworn in. He said he stores his motorcycles in the accessory building which was located there in 2007 and is not safe to move. He said the fence was put up in 1995 and that they maintain their property very well. He said locating concrete or asphalt would be a financial hardship for him.

Mr. Mewes asked if they knew the City regulations prior to making the improvements. Mr. English said they did not and he wants to keep the shed there because since the City improved the alley they get water in their side and rear yards.

Teresa English, 940 34th Avenue, was sworn in. She said the fence and shed have been there a long time and that there have never been neighbor complaints about either one.

Karen Lund, 937 34th Avenue, was sworn in. She said she has lived in her home for 35 years and there has never been a problem with the English property.

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

Decision Case #2019-10 – Mr. McAdam made a motion to approve the all the variances because:

1. Reasonable Return: The variances will improve the return on the property.
2. Character Alteration: The variances will not alter the character of the neighborhood.

Mr. Mewes seconded the motion, and it passed unanimously (McAdam, Mewes, Day and Snyder).

Public Hearing #2019-11: The applicant, Kevin Smith, requests a variance of 2.5 feet of the 3.5 foot maximum fence height in a front yard and a variance of 25 feet of the 25 foot setback from point of

intersection of an alley to a street in an R-3 (one and two family residence) district at 625 23rd Street.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires a maximum fence height of 3.5 feet in a front yard and a 25 foot setback from point of intersection for a corner location of a street to an alley (Section 8.12). The applicant proposes to construct a 5 foot aluminum picket fence in the south front yard extending into the east rear yard.

The applicant desires to construct the fence because of security as they have had to remove part of an existing wood picket fence due to a vehicle damaging it and as a result they have had pedestrians cut across into their front yard (see site photo). The proposed 5 foot tall aluminum fence will extend from the remaining wood picket fence to the corner and then extend westward to an angled gate that will then extend to the attached one car garage (see site map and applicant drawing). Both the City Engineer and representative from the Police Department have determined that the proposed picket fence will not be a visual obstruction at the intersection of the alley to 7th Avenue.

Chairman Snyder called for proponents.

Kevin Smith, 625 23rd Street, was sworn in. He said a vehicle hit his previous picket fence and damaged it, so he wants the new fence to provide for better privacy and security. He said the fence will also increase his property value.

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

Decision Case #2019-11 – Mr. McAdam made a motion to approve the all the variances because:

1. Reasonable Return: The variances will improve the return on the property.
2. Character Alteration: The property is a corner lot with two front yards.
3. The variances will not alter the character of the neighborhood.

Mr. Mewes seconded the motion, and it passed unanimously (McAdam, Mewes, Day and Snyder).

Public Hearing #2019-12: The applicant, Warren Ward, requests a variance to allow an accessory structure to exceed the total ground floor square footage of the principal structure by a total of 239 square feet in an R-3 (one and two family residence) district at 1547 43rd Street.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that an accessory structure not exceed the total area of the principal structure on the site (Section 8.5A). The applicant proposes to construct a detached garage (27' x 32') in the east rear yard.

Currently, there is not a garage on the property. The proposed one story detached garage will have access off the alley and will meet all setback and area coverage requirements in the Zoning Ordinance (location proposed is 10' from alley, 3' from north property line, 18' from south property line and 61' feet from the dwelling). The single family dwelling on the site is 25' x 25' (625 square feet in area), while the proposed garage is 32' x 27' (864 square feet in area). The applicant has collector cars that he desires to keep inside the proposed garage.

Chairman Snyder called for proponents.

Warren Ward, 1547 43rd Street, was sworn in. He said he needs a garage for all of his vehicles including

his collector cars.

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

Decision Case #2019-12 – Mr. Day made a motion to approve the variance because:

1. Reasonable Return: The variance will improve the return on the property.
2. Character Alteration: The dwelling is smaller than any other dwelling in the neighborhood...
3. The variance will not alter the character of the neighborhood.

Mr. McAdams seconded the motion, and it passed unanimously (Day, McAdam, Mewes, and Snyder).

Public Hearing #2019-13: The applicant, Amelia Martens, requests a variance of 3 feet of the 6 foot side yard setback requirement in an R-2 (one family residence) district at 2843 40th Avenue.

Mr. Fries stated that the applicant was not present in the audience and asked the Board if it would consider tabling the request until the regular June 12, 2019 meeting.

Mr. Day made a motion to table the request until the June 12, 2019 regular Board of Zoning Appeals meeting, beginning at 5:30 p.m. in Rock Island City Hall.

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

Other Business:

Mr. Fries said there are currently no new cases for the June 12th regular meeting.

Adjournment:

Chairman Snyder adjourned the meeting at 7:26 p.m.

Respectfully submitted,

Alan Fries
Acting Secretary, Rock Island Board of Zoning Appeals

