

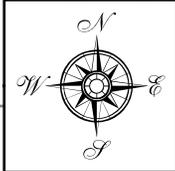
May

Rock Island Board of Zoning Appeals Regular Meeting Agenda May 12, 2010, 7:00 P.M.

1. Roll Call
2. Approval of the minutes of the regular meeting of April 14, 2010
3. Procedural Explanation
4. **Public Hearing #2010-05:** Sheila Solomon requests a variance to locate an accessory structure in a front yard in a R-4 (one to six family residence) district. The applicant proposes construct a detached garage (24' x 24') in the west front yard at 1309 6th Avenue, Rock Island, Illinois.
5. **Public Hearing #2010-06:** David Flores requests a variance of two feet of the average front yard depth of 12 feet in a R-2 (one family residence) district. The applicant proposes construct an attached deck (5' x 8') in the south front yard at 2355 38th Street, Rock Island, Illinois.
6. **Public Hearing #2010-07:** Alex Rangel requests a variance of 15 per cent of the 30 per cent maximum coverage of a rear yard for an accessory building in an R-3 (one and two family residence) district. The applicant proposes to maintain a covered patio structure addition (12' x 35') connected to an existing detached garage that will cover 45 per cent the west rear yard at 1538 26th Street, Rock Island, Illinois.
7. **Public Hearing #2010-08:** Victoria Elukhanyeni requests a variance of 2.5 feet of the 3.5 foot maximum fence height in a front yard in a R-3 (one and two family residence) district. The applicant proposes maintain a six foot tall privacy fence in the east front yard at 1216 12th Street, Rock Island, Illinois.
8. Other Business
9. Adjournment

It is against the law for a monster to enter the corporate limits of Urbana, Illinois.

Location Map for BZA2010-5 Thru BZA2010-8



BZA2010-5
1309 6th Avenue

BZA2010-8
1216 12th Avenue

BZA2010-7
1538 26th Street

BZA2010-6
2355 38th Street



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

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

Regular Meeting

7:00 p.m.

April 14, 2010

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

Staff Present: Alan Carmen, Alan Fries

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 February 10, 2010 meeting. Mr. Wild seconded the motion, and it passed unanimously.

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

Public Hearing #2010-04 - Request from Jerry Bergheger (O’Melia’s Restaurant) for a variance of 13 feet of the 20 foot front yard setback requirement in a B-4 (highway business) district at 2900 Blackhawk Road.

Mr. Fries presented the staff report. He explained that 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.

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.

Chairman Tschappat called for proponents.

Jerry Bergheger, 4530 24th Avenue, was sworn in. He said that the deck will help to bring more exposure and business to the restaurant.

Chairman Tschappat said that the handicapped ramp will also allow for easier access for people with disabilities.

Mr. Healea asked if the ramp will be open year round even when the deck is not open for outside eating. Mr. Bergheger replied that it would be open .

Ms. Williams asked if there would be any landscaping added. Mr. Bergheger replied that he would add low level bushes.

Todd Christensen, 2212 West 4th Street in Davenport and contractor from Able Builders, was sworn in. He asked how much landscaping would be required for the use. Mr. Carmen replied that the only landscaping required by the Zoning Ordinance would be for any parking lot expansion.

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

Decision Case #2010-04 – Mr. Wild a motion to approve the request because:

1. The proposed addition will improve the return on the property.
2. 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. The proposed addition will not alter the character of the neighborhood.

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

Other Business:

Mr. Snyder asked about the status of the detached accessory building at 1911 24th Street. Mr. Carmen said that the Board had approved an original and secondary variance for the size and height and the constructed building has met all the variance requirements.

Mr. Carmen informed the Board about the July 3rd opening ceremony for Schwiebert Riverfront Park.

Chairman Tschappat adjourned the meeting at 7:31 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: April 23, 2010

SUBJECT: Case #2010-05- Request for a variance to locate an accessory garage in a front yard in an R-4 (one to six family residence) district.

Applicant:
Sheila Solomon

Location:
1309 6th Avenue

Request:
To allow a variance to locate an accessory structure in a front yard in an R-4 (one to six family residence) district.

Size of Property:
The property measures 136.6' x 100' (13,660 square feet in area).

Zoning History:
None.

Existing Land Use and Zoning:
The site is occupied by a single family residence, zoned R-4. To the north, east and south are single family residences, zoned R-4. To the west is a commercial storage yard, zoned B-3.

Topography:
The site is flat and slightly above street level.

Affected Requirements:
The zoning ordinance requires that accessory structures be located in a side or rear yard (Section 8.5A). The applicant proposes to construct a detached garage (24' x 24') in the west front yard.

Conditions to Authorize Variance:

1. Reasonable Return: The proposed garage will improve the return on the property.
2. Unique Circumstances: The property is a corner lot with two front yards. There is a large tree and accessory storage building located in the existing rear yard.

3. Character Alteration: The proposed garage will not alter the character of the neighborhood.

Comments:

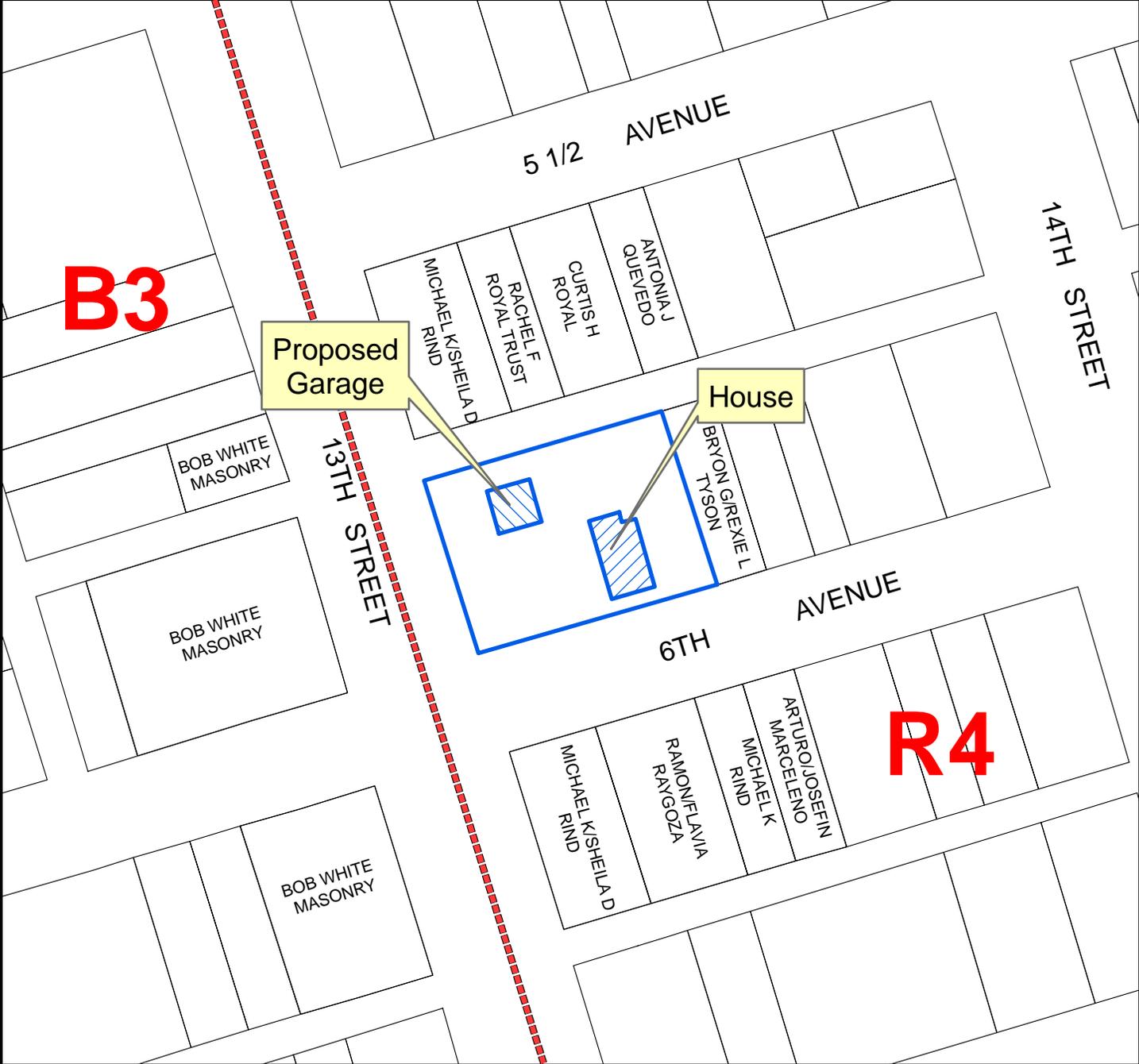
The applicant purchased the property to the west of her residence in order to have adequate room to construct a two-car detached garage. She removed a fence from this area and proposes to locate the garage in this west front yard (of the now corner property that was consolidated with the lot where her home is located) in order to maintain a large tree and storage building in the north rear yard.

The proposed two-car garage will be located 29 feet from the west (front) property line and 28 feet from the northwest corner of her home. Access to the garage will be from the alley. The single story garage will be located six feet from the alley conforming to ordinance requirements. The flags on the site photo indicate the garage's proposed location.

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 a large tree and storage building in the rear yard and will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS



**BOARD OF ZONING APPEALS
2010-5**

Legend

- Parcels
- Subject Property

DR. BY: K.G.D.

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





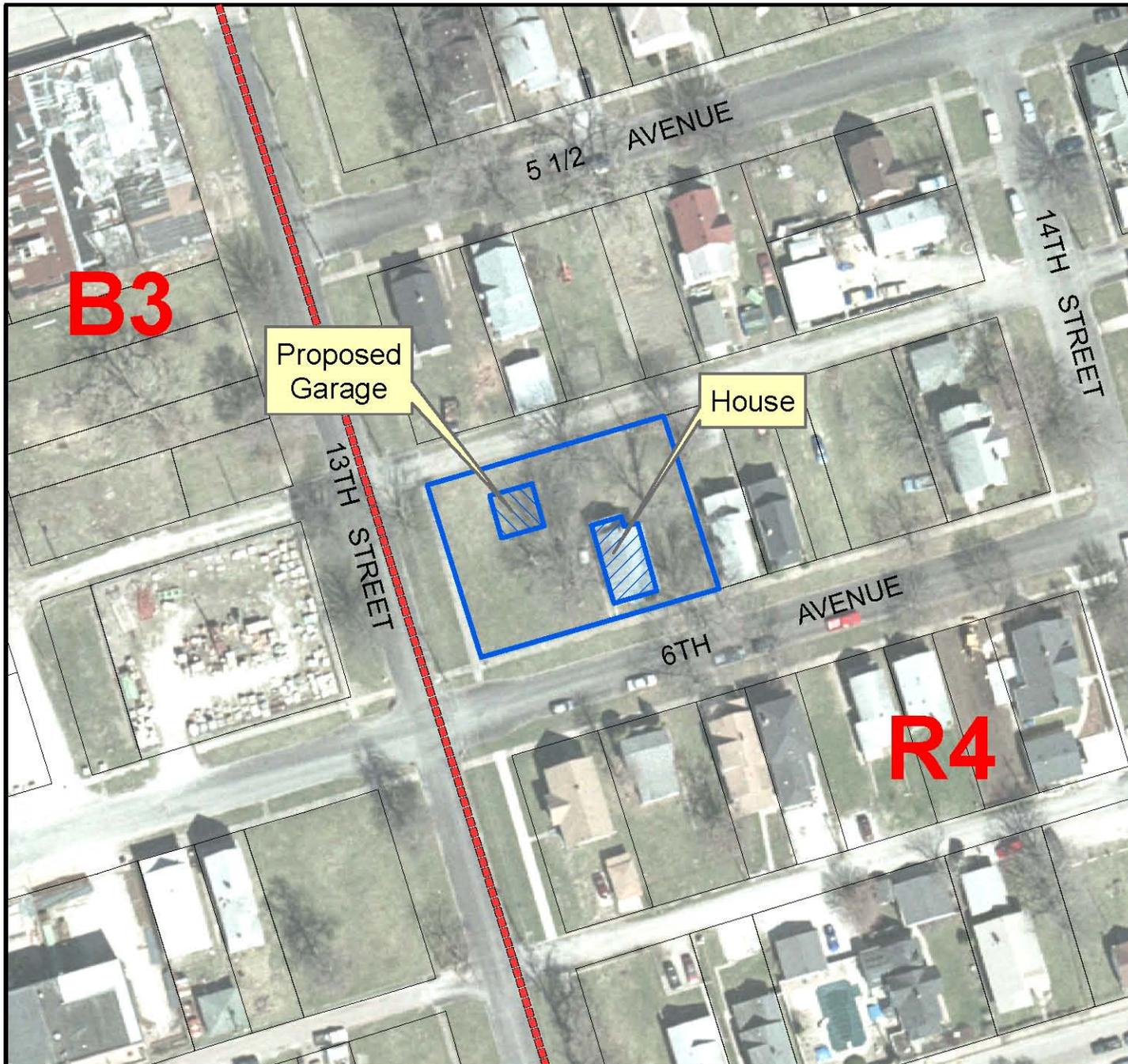
0 20 40 80 120 160 Feet

City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2010-5 Aerial

Legend

-  Parcels
-  Subject Property

DR. BY: K.G.D.

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



0 20 40 80 120 160 Feet

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: April 23, 2010

SUBJECT: Case #2010-06- Request for a variance from the front yard setback requirements in an R-2 (one family residence) district.

Applicant:
David Flores

Location:
2355 38th Street

Request:
To allow a variance of two feet of the average front yard depth of 12 feet in a R-2 (one family residence) district.

Size of Property:
The property measures 42' x 138' (5,796 square feet in area).

Zoning History:
None.

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

Topography:
The site slopes up two to three feet from street level.

Affected Requirements:
The zoning ordinance requires that if a 25 foot front yard setback cannot be met that an average front yard can be taken (Section 9.4). The applicant proposes to construct an attached deck (5' x 8') in the south front yard.

Conditions to Authorize Variance:

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

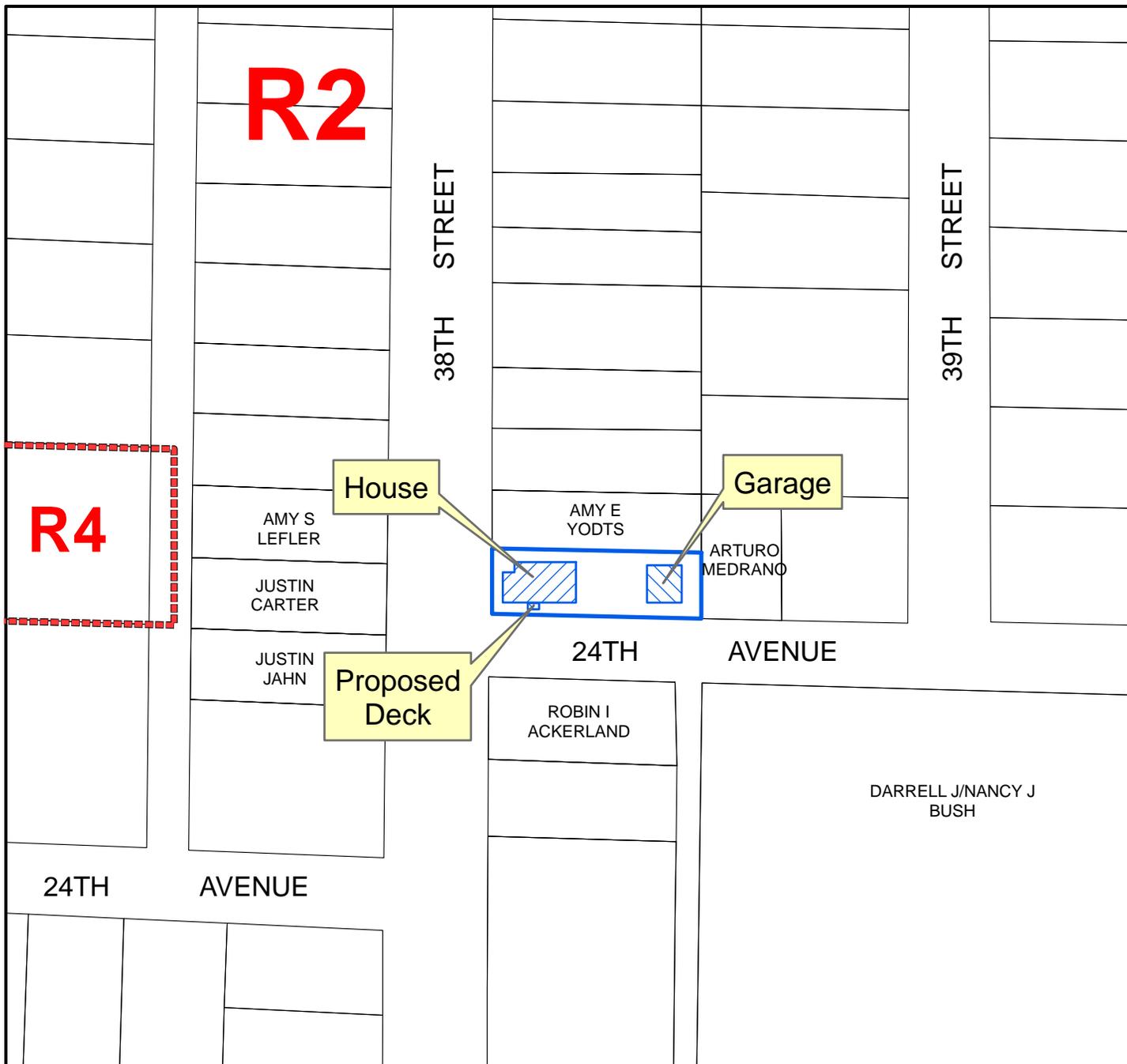
Comments:

The applicant proposes a new deck landing and stoop area where there had been a stoop previously for access to the south entrance into the residence. He averaged the front yard depth with the only other residence on the same block and the average front yard was determined to be 12 feet. The proposed open deck will maintain a ten foot south front yard setback. The south front property line is located approximately at the stone wall on the south side of the property.

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 will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS



**BOARD OF ZONING APPEALS
2010-6**

Legend

- Parcels
- Subject Property

DR. BY: K.G.D.

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





0 25 50 100 150 200 Feet

City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2010-6

Legend

-  Parcels
-  Subject Property

DR. BY: K.G.D.

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



0 25 50 100 150 200 Feet



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: April 23, 2010

SUBJECT: Case #2010-07- Request for a variance of the maximum rear yard coverage ratio for an accessory building in an R-3 (one and two family residence) district.

Applicant:
Alex Rangel

Location:
1538 26th Street

Request:
To allow a 15 percent variance of the 30 percent maximum rear yard coverage ratio for an accessory structure in an R-3 (one and two family residence) district.

Size of Property:
The property measures 40' x 130' (5,200 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, south, east and west are single family residences, zoned R-3.

Topography:
The site is flat and slightly above street level.

Affected Requirements:
The zoning ordinance requires that accessory structures cover not more than 30 percent of the rear yard (Section 8.5A). The applicant proposes to maintain a covered patio addition (12' x 38' as built; 12' x 35' as proposed) connected to an existing detached garage that covers 45 percent of the west rear yard.

Conditions to Authorize Variance:

1. Reasonable Return: The existing covered patio will improve the return on the property.
2. Unique Circumstances: None

3. Character Alteration: The existing patio addition has altered the character of the neighborhood as built, but will not if it is remodeled to be as wide as the existing garage.

Comments:

Planning and Redevelopment Division staff became aware of the patio structure as a result of Inspection Division staff inspection of the improvement. No building permit was applied for and the inspectors determined the patio addition to the garage needed a variance due to its proximity to adjoining properties and coverage of the rear yard area. The structure is approximately 38 feet wide on a 40 foot wide lot. It was built to provide a shaded area on the east side of the existing garage. (See attached sketch from the applicant. Note that the lot dimension of 42' 8" is not accurate; the lot is 40 feet wide.)

Staff discussed the existing structure with the applicant and the need for a variance. There was also discussion that the applicant would be willing to reduce the width of the covered patio so it is as wide as the existing garage and does not project beyond the garage's side walls.

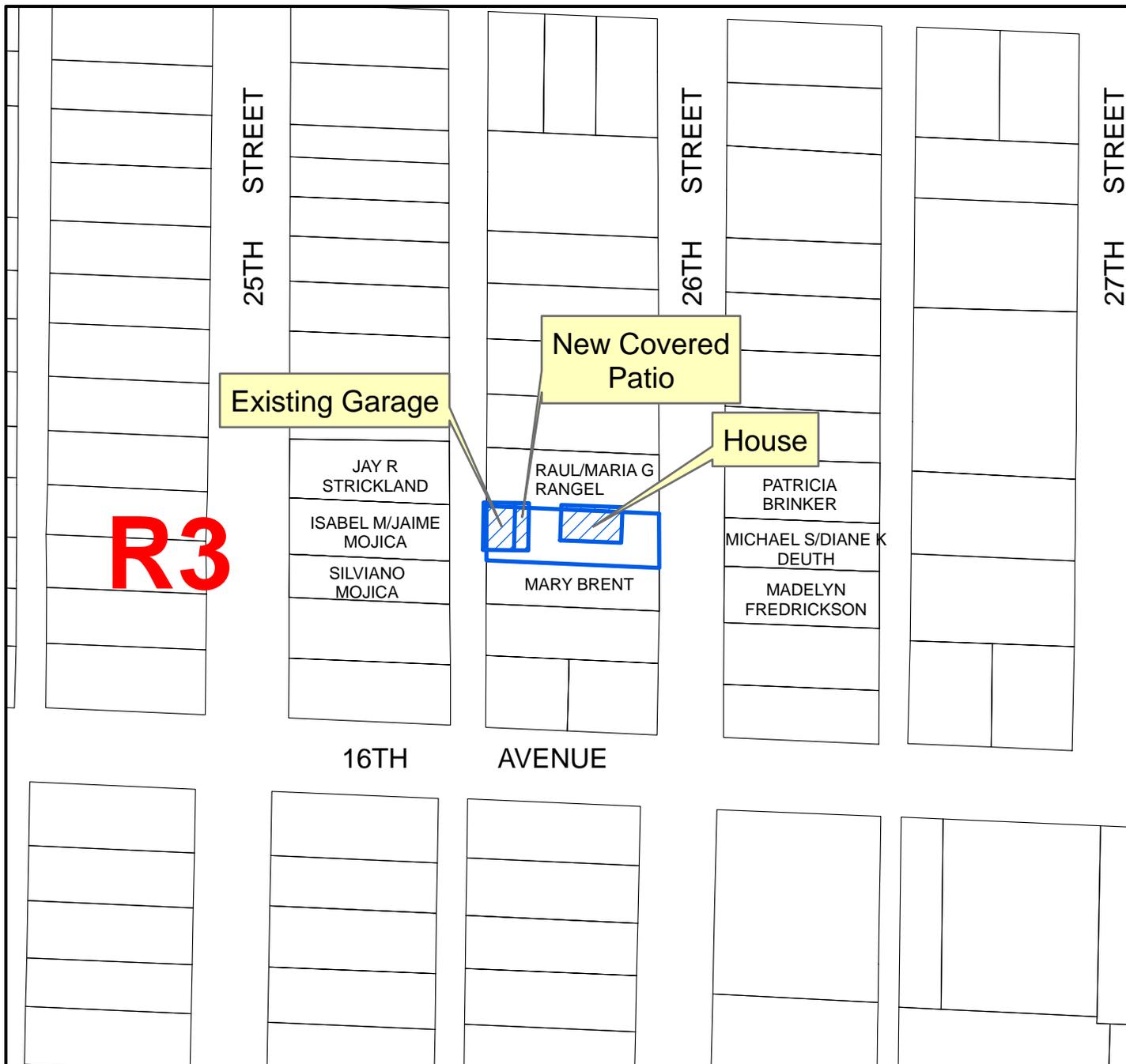
While this necessitates a variance of the rear yard coverage ratio, it does not adversely impact the property or its neighbors.

Recommendation:

That the variance be approved because it will improve the return on the property and will not alter the character of the neighborhood with the following stipulation:

- That the covered patio's width is reduced to that of the existing garage.

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2010-7

Legend

- Parcels
- Subject Property

DR. BY: *K.G.D.*

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



City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2010-7 Aerial

Legend

- Parcels
- Subject Property

DR. BY: K.G.D.

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

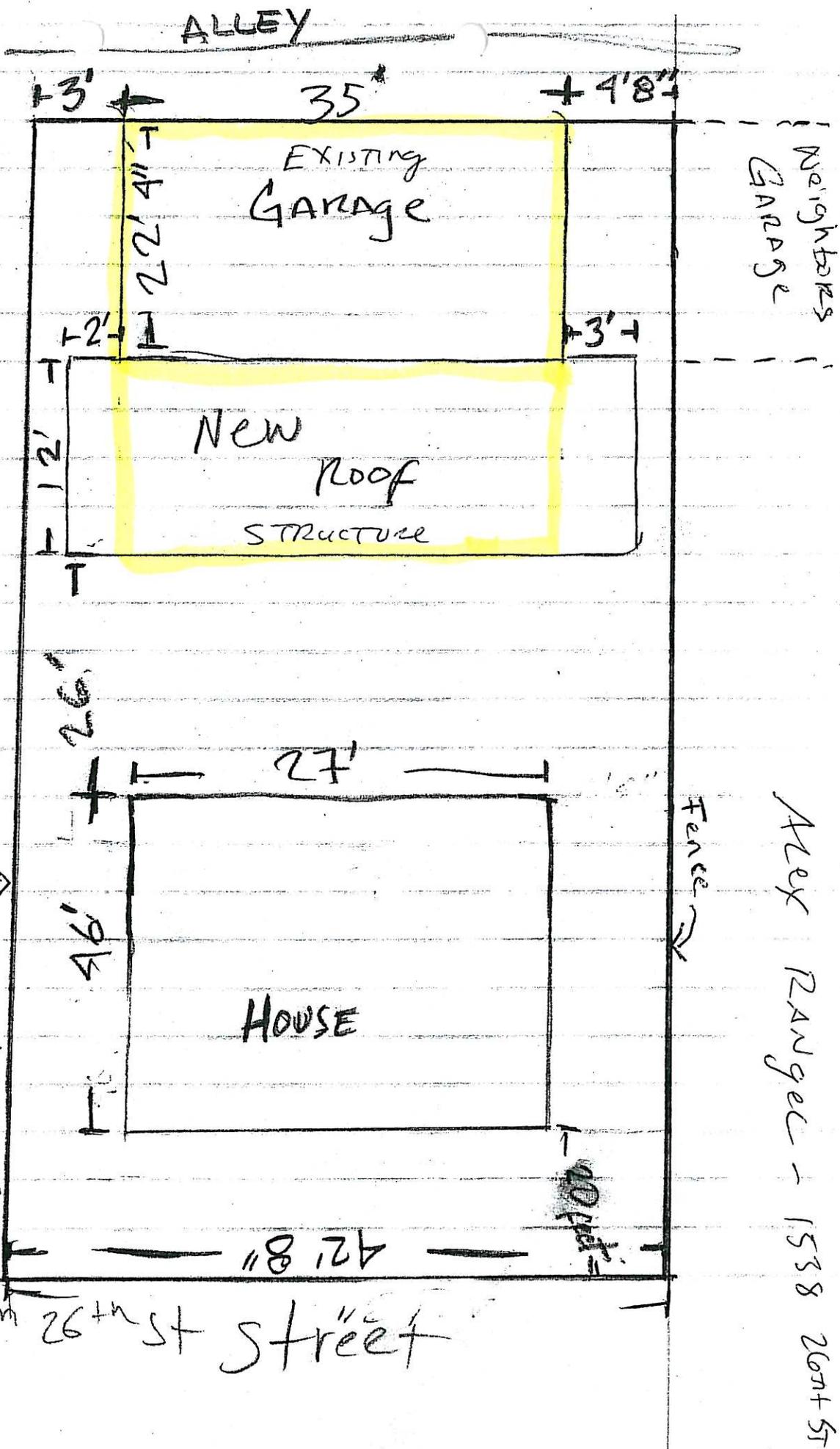


0 25 50 100 150 200 Feet

City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning and Redevelopment





RI
 ROCK ISLAND
 ILLINOIS

Jim Chapman
 Housing & Property
 Maintenance Inspector
 Community & Economic
 Development Department
 Inspection Division
 1528 Third Avenue
 Rock Island, IL 61201-8678
 PH: 309.732-7368 Fx: 309.732-2930 www.ri.gov.org
 Rental Inspection@ri.gov.org



04 19 2010

REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: April 23, 2010

SUBJECT: Case #2010-08- Request for a variance from the maximum fence height requirement in a front yard of an R-3 (one and two family residence) district.

Applicant:
Victoria Elukhanyeni

Location:
1216 12th Street

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

Size of Property:
The property measures 40' x 86.65' (3,466 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 neighborhood is primarily a single family residential area, zoned R-3.

Topography:
The site slopes up approximately one foot from street level.

Affected Requirements:
The zoning ordinance requires fences located in a front yard not exceed 3.5 feet in height (Section 8.12). The applicant proposes to maintain a six foot tall privacy fence in the east front yard.

Conditions to Authorize Variance:

1. Reasonable Return: The existing fence has not had an effect on the return on the property.
2. Unique Circumstances: None.
3. Character Alteration: The existing fence has altered the character of the neighborhood.

Comments:

Staff received a complaint regarding the fence height and contacted the property owner regarding the zoning violation and she decided to request the variance rather than reduce the height of the existing fence. She has submitted the attached letter detailing several harassment and criminal activities on and around her property, which she says is the reason she put up the privacy fence.

Staff understands the need the applicant has for safety and security in her home, but also understands the long term negative impact of tall privacy fences in front yards of residential areas. The City revised the height requirement to not allow taller fences in front yards approximately 10 to 15 years ago due to their “fort-like” appearance on city blocks. Staff believes that allowing the fence to remain will alter the character of the neighborhood.

Recommendation:

That the variance be denied because it does not have a specific positive effect on the return on the property, there is no unique circumstance and it has altered the character of the neighborhood.

4/18/2010

Written documentation supporting the need for a 6 foot privacy fence surrounding my property in Rock Island:

There have been multiple events that led to my installing the 6 foot privacy fence in the front and back of my property. The primary purpose of the 6 foot privacy fence is to provide protection for my property and to assist in providing a more secure living environment for myself. Below is a summary of "some" of the events I have encountered in just the last 3 years. It should be noted that prior to installing the 6 foot privacy fence, a chain link fence had been installed about 6 – 7 years ago. The adolescents and adults in the neighborhood did not respect that fence. Frequently there were individuals that would climb over or jump over the fence to use my yard as a shortcut, evading/eluding police, or to steal items out of my yard by lifting the items over the fence. As a result, the supports for the fence became badly bent, and the chain links were damaged as well. The fence was ultimately removed about 2 years ago as it was an eyesore, and I felt it did not afford the safety that it was designed to supply.

Last June, I was sitting in my living room watching television. I heard a noise on my front porch – it sounded like something hit my front screen door. I got up to look, but didn't see anything. I returned to my living room and a few seconds later, I heard another noise – again, it sounded like something hit my screen door. I again got up to look – and opened the door to check out my front porch. As I opened the door, I nearly hit a girl crouched down on her knees reaching up for the handle of the door. I shouted in shock asking her why she was on my porch. She began to curse at me, threatening me. I eventually called the police and she took off running down the street (she was approximately 14 years old and was close to my size in height and weight). As she was running away (police were on their way), she was screaming – I'm not going to jail again, I'm not going to jail.

Another incident involved an adolescent male that had apparently ran from his foster home. I had taken a vacation day from work and was at home that day with my inside door open and screen door closed, but not locked. I was in the upstairs portion of my house when I heard a commotion outside. I walked down the stairs to find a police officer on my porch. I asked what was going on; he informed me that they were looking for a runaway. I explained that there was no one in my house – they went to the back yard looking for the boy. I was standing on my front porch and heard a noise at the end of my porch. I looked behind a sheet of plywood that I had standing up against the end of my porch to find the boy hiding on my front porch – frightened, I yelled for the police immediately. As the police were returning to my front yard, the boy jumped up as though he were going to attack me, but then jumped over the side of the porch as the police came up my front porch steps.

Another incident two summers ago, I heard a lot of noise outside in the front. I went to my front door to see that about 40 adolescents had congregated on the sidewalk and front yard of my property. They were assembling and yelling threatening comments about "beating up another youth." I looked down the block to see that there were more adolescents and adults coming down the street towards my block. They did then cross the street and began assaulting another youth. I called the police to inform of the situation. The police came and kids started running through my yard as well as other neighbor's yards to evade the police. The police had blocked the street at both ends of my block, but the alley was not secured, so the kids were cutting through yards, jumping chain link fences to get away. I later found what appeared to be a broom or rake handle wrapped with duct tape in my back yard. I'm guessing it

was either a weapon that was intended to be used in the event or had been used in the event to assault the adolescent that had been assaulted that night.

Another day, I was sitting on my front porch and all of a sudden an adult African American male walked through my yard on the north side – cutting through my yard to the street. I was frightened and quite shocked by his sudden appearance and received no apology for cutting through my yard.

Also last summer (after I had already put up the back privacy fence), a friend was visiting and had put his bicycle in my back yard. We sat on my front porch for about 15 minutes to have a chat. When he returned the back yard to get his bicycle, his bicycle had been stolen out of my back yard – the thief had evidently taken the bike over the neighbor's chain link fence. The bicycle was found a couple of days later, and police indicated they did not know who actually stole the bike and couldn't catch the boy who had possession of the bike. Prior to putting up the privacy fence in the front, the neighborhood kids continued to use my yard as a thoroughfare.

One night 2 summers ago (about 10:00 p.m. prior to having removed the chain link fence), I had already retired for the evening when the neighbors to the south of me called to inform me that my water spigot outside on the south side of the house was running full blast. I went out to check it out and apparently some youth had gone into my yard and turned on the water spigot – there is no other explanation for how the water could be running full blast. I turned the faucet off without any problem, the faucet was not in disrepair, and it certainly didn't turn itself on.

Also, after putting up the privacy fence in the back yard (last summer) before I put up the fence in the front yard, I had been mowing the yard – left my new mower (only used 3 times) in my back yard and went into the house to get something to drink. I then also answered the phone and returned to my back yard about 30 minutes later. The mower was gone. The back gate was locked (I had drilled a hole through the gate of my back fence and used a chain and a padlock to keep intruders out). The thief either lifted a heavy mower over the neighbor's chain link fence, or they took it out the front yard of my house without me seeing them.

Another day last summer, (before the privacy fence in the front yard was installed) I came home from work early (about 1:00 p.m.) and was in the back yard doing gardening. I heard a lot of yelling and shouting in the front and went around to the front of the house just in time to see a guy coming around the house of a neighbor across the street with what appeared to be some kind of hand gun. He was pointing it, in the direction of my house, at people standing on the street, yelling in Spanish, and then began firing the weapon. I was really scared and crawled on my hands and knees through my front yard and into my house to call police. Police dug bullets out of the grassy area in front of the house across the street and from the church building on the corner.

There are so many other examples of the need for the higher fence around my house. Having the privacy fence in the front yard has reduced the number of threatening events to myself and my property, and has provided me with more security. In addition, I have also put up security cameras in the front and in the back – this is due to my tires being slashed on my car on several occasions – also the tire on a friend's truck parked in my back drive way was slashed (this has occurred numerous times – 3 events last summer alone).

I live alone, I am almost 56 years old and I have physical limitations as a result of injuries sustained in a car accident last summer resulting in surgery in November. I have intentionally chosen an expensive and very nice looking maintenance free fence with a cost of over \$1500.00 for the front panels and side panels I have already installed. I plan on installing this same fencing on the north side of my property this summer as well (it is quite expensive, so I couldn't afford to do it all at one time). I also plan to

extend the privacy fence on the south side of my yard to completely enclose my back yard to prevent the neighbor kids from jumping fences into my yard.

My neighbor, Mary Marbry, informed me just this last week that she saw a kid jump her front chain link fence, then jumped the fence on the north side of my yard, run through my yard and jumped the fence on the south side of my back yard. She had no idea why he was running through our yards or who he was. The circumstance in my neighborhood, the dangerous element that lives, visits, and roams the streets in my neighborhood, is very frightening to someone who lives alone, has no family within 200 miles, and who frequently comes home after dark in the evenings.

There is the concern of the neighbor's pit-bull being able to go through and jump over the chain link fences. Several neighbors have dogs (most are pit-bulls), and last summer when my son was visiting, my grandchildren were playing in the back yard. My neighbor to the north has a pit bull, and the dog literally broke the leash she had him on, and came through the chain link fence into my yard. He was barking and growling at my grandchildren and my son's puppy. The dog did not injure anyone, but I was quite frightened for the safety of my grandchildren and their pet – that is one of the reasons that I am installing the privacy fence on the north side of my property.

In addition to the events listed above, I have called the police numerous times for shots fired in the alley behind my house, across the street from my house, down the block from my house, etc. It is a dangerous neighborhood, and I believe that a 6 foot privacy fence in the front yard helps to protect myself and my property.

A fence that meets the requirements would not provide as much security for the reasons already outlined, and I believe I would be significantly at risk as it is obvious that individuals are jumping the current fences that do meet the requirements, are then perpetrating property damage, as well as the risk that presents to an individual living alone with people trespassing at will onto the property.

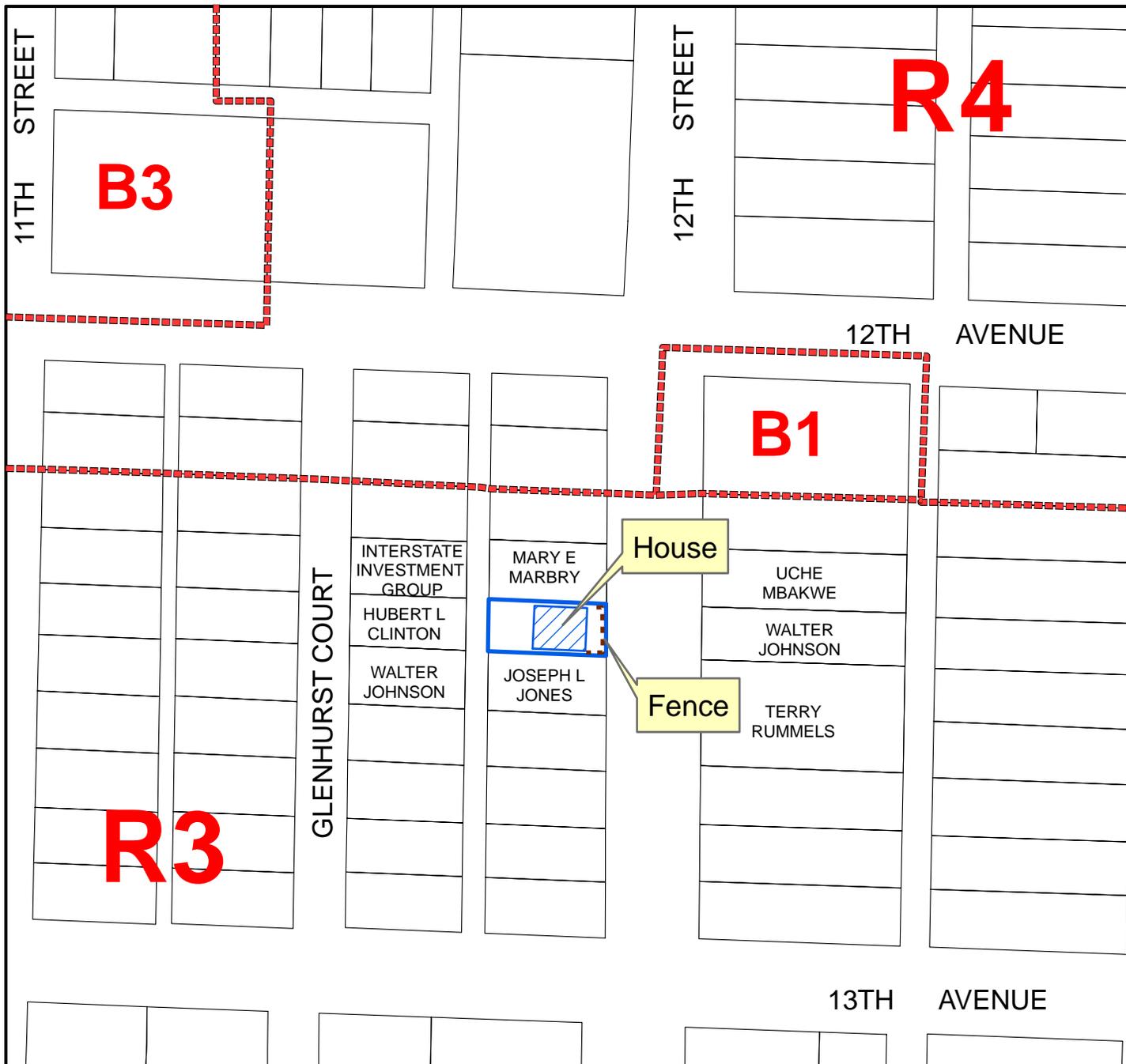
Respectfully Submitted,

Victoria Elukhanyeni,

Property owner

1216 12th St., Rock Island, IL 61201

BOARD OF ZONING APPEALS



**BOARD OF ZONING APPEALS
2010-8**

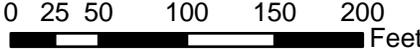
Legend

- Parcels
- Subject Property

DR. BY: K.G.D.

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





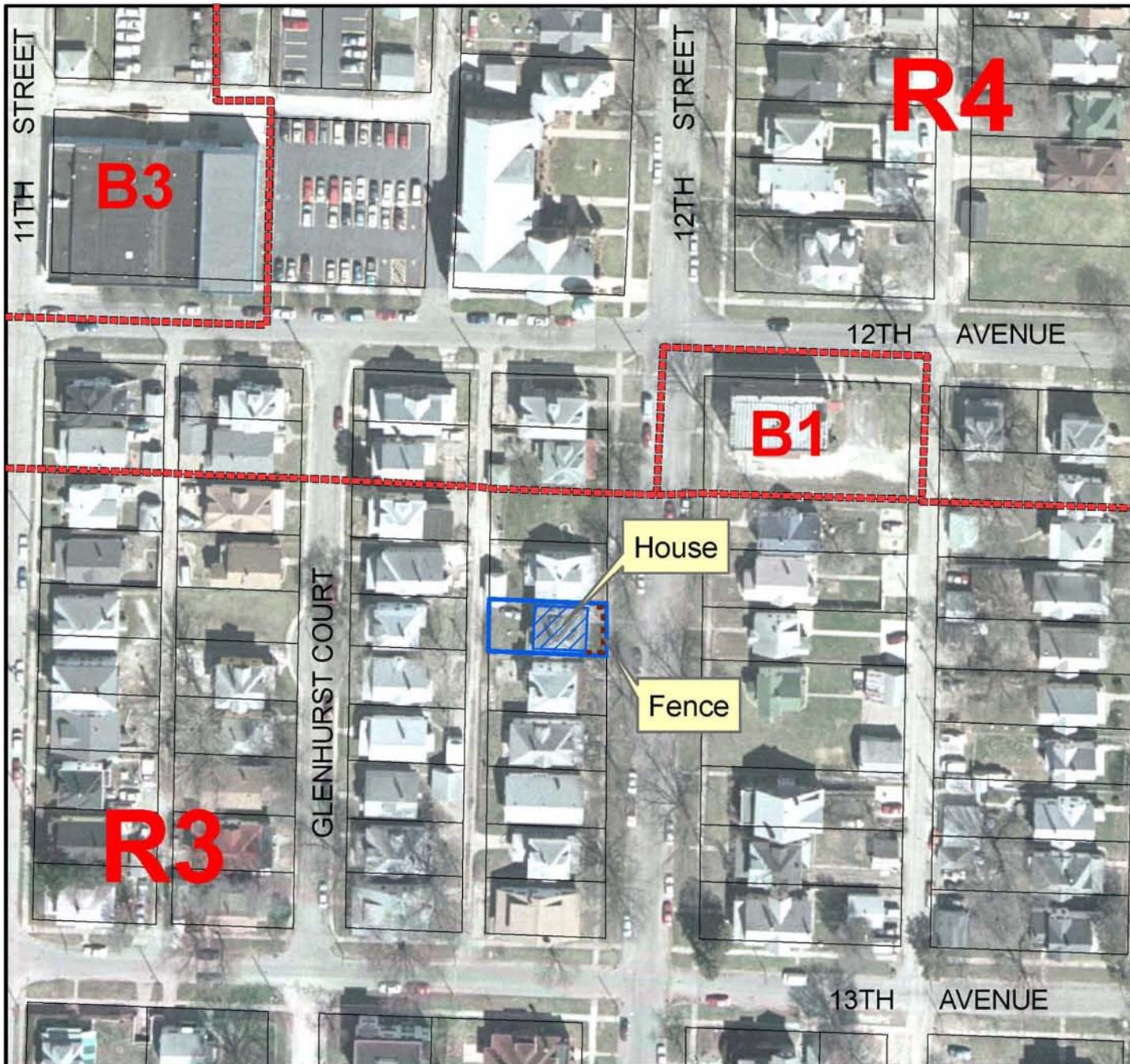
0 25 50 100 150 200 Feet

City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2010-8 Aerial

Legend

- Parcels
- Subject Property

DR. BY: K.G.D.

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



0 25 50 100 150 200 Feet

City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



