

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

Regular Meeting

7:00 p.m.

June 11, 2014

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

Staff Present: Ben Griffith and Alan Fries

Vice-Chairman McAdam called the meeting to order at 7:00 p.m.

Approval of Minutes – Mr. Wild made the motion to approve the Minutes of the May 14, 2014 meeting. Mr. Tschappat seconded the motion, and it passed unanimously.

Procedural Explanation – Vice-Chairman McAdam explained the procedure to be followed for the public hearing. He said Case #2014-13 from MV Affordable Housing LLC at 500 20th Street has been withdrawn by the applicant and will not be considered by the Board.

Public Hearing #2014-09 - Request from Rose Lee M. Williams for a variance two feet of the six-foot side yard setback requirement for an addition to a one-story single residence in an R-3 (one and two family residence) district at 957 34th Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires a six-foot minimum side yard setback requirement in an R-3 zoning district (Section 16.5). The applicant proposes to construct a building addition (5' x 11.5') in the west side yard.

The existing residence is located further to the west on the double-lot site. The applicant desires to construct the addition off the kitchen on the west side of the dwelling. A four-foot side yard will be maintained. There is a driveway located on the neighbor's property between the subject house and the neighbor's house, so impact should be minimal on this neighbor.

Vice-Chairman McAdam called for proponents.

Rose Lee M. Williams, 957 34th Avenue, was sworn in. She submitted a photo-shop photograph of what the proposed addition would look like.

Tim Williams, 957 34th Avenue, was sworn in. He said that all the other houses on the north side of the block are approximately nine feet away from each other and their addition will be 16 feet away from their neighbor's house due to the neighbor's driveway.

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

Decision Case #2014-09 – Ms. Williams 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 #2014-10 - Request from Tom Phillis for a variance of six inches of the 15-foot maximum height for an accessory structure and a variance of six feet of the six-foot side yard setback requirement for an accessory structure in a side yard in an R-2 (one family residence) district at 2418 22 ½ Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires a maximum height of 15 feet for an accessory structure and a six-foot setback for an accessory structure in a side yard (Section 8.5A). The applicant proposes to construct a detached garage (24' x 36') in the west side yard.

The detached garage located at his location at the site was destroyed by fire and the applicant desires to build another garage at approximately the same location. The proposed detached garage will line up with the front deck of the residence and be located along the west alley property line. The previous garage had also been located along this west property line. The proposed larger style detached garage will require a 6-inch height variance.

Vice-Chairman McAdam called for proponents.

Tom Phillis, 2418 22 ½ Avenue, was sworn in. He said there was a fire on the property that resulted in him having to remove the former garage and that the proposed garage will be located at the same location as the former. He added that the garage area will be approximately the same, but the height will be increased a small amount.

Decision Case #2014-10 – Mr. Wild 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. Day seconded the motion, and it passed unanimously.

Public Hearing #2014-11 - Request from Jack Viviani for variances of 2.5 feet of the 3.5-foot maximum height for a fence in a front yard and a variance of 20 feet of the 25-foot setback requirement from point of intersection for a fence at the intersection of an alley and a public street in an R-2 (one family residence) district at 1405 23rd Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that a fence in a front yard not exceed 3.5 feet in height and that there be a 25-foot setback from point of intersection of an alley to a street intersection (Section 8.12). The applicant proposes to erect a six-foot tall wood privacy fence in the south front yard.

The applicant will remove the existing chain link fence along the south front yard and replace it with the proposed six-foot tall privacy fence. The fence will extend out from the southeast corner of the house 16 feet into the south front yard and then extend eastwards towards the alley. There will be a setback of five feet from point of intersection maintained instead of the required 25 feet. The fence will then extend along the alley to the driveway on the northeast corner of the house.

The City Engineer has reviewed the request and has no concerns about visibility at the alley intersection at 23rd Avenue with the proposed fence location.

Vice-Chairman McAdam called for proponents.

Jack Viviani, 1405 23rd Avenue, was sworn in. He said that he intends to replace the existing chain-link fence with the proposed fence that will be located three feet further back from the corner. He said he lives on a double lot and the house is set back further to the north and he wants to gain privacy in his south front yard. He said the house across the alley to the east is in-line with a new detached garage on the property and both will be in-line with his proposed fence location.

Mr. Tschappat asked about details of a post that was dented and located at the corner intersection of the alley and the avenue. Mr. Viviani replied that he has lived there for five years and the damage to the post was there when he moved in.

Decision Case #2014-11 – Ms. Jalloh made a motion to approve the request because:

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

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

Public Hearing #2014-12 - **Request from the Rock Island Housing Authority for a variance of three feet of the eight-foot minimum side yard setback requirement and a variance of nine feet of the 20-foot sum of side yard setback requirement for a two-story, single-family residence in an R-4 (one to six family residence) district at 1014 15th Street.**

Mr. Fries presented the staff report. He explained that the zoning ordinance requires an eight-foot minimum side yard setback and a 20-foot sum of side yard setbacks for a two-story residence in an R-4 zoning district (Section 17.5). The applicant proposes to construct a two-story single family residence with a six-foot north side yard and a five-foot south side yard on the site.

The applicant has revised its original plan for a one-story ranch style house in order to construct a two-story residence with an attached rear yard garage. The variance is needed along the south side yard to accommodate a wheel-chair lift for the prospective residents. The south side yard will be five feet, while the north setback will be six feet.

Ms. Jalloh said she would be abstaining from voting due to a conflict of interest as an adjacent

property owner.

Vice-Chairman McAdam called for proponents.

Steve Clark, SE Clark and Associates the developer of the property, was sworn in. He said the need for the variance is due to a two-story house now being proposed for larger families and for families that have people with disabilities that would require a wheelchair lift. He said the variance would not detract from the neighborhood.

Steve Schmidt, MSA Land Surveying of 1606 Association Drive in Dubuque, Iowa, was sworn in. He said the variance was needed to maintain the rear yard driveway and attached garage in the approximate center of the property.

Mr. Day said the survey identified the property having a gravel drive. He asked if that was accurate. Mr. Schmidt replied that the survey identified an existing gravel drive, but the new driveway would be concrete.

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

Decision Case #2014-12 – Mr. Tschappat made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. The variance is needed to provide a wheel-chair lift for the residents of the dwelling.
3. The proposed variance will not alter the character of the neighborhood.

Mr. Wild seconded the motion, and it passed with Mr. Tschappat, Mr. Wild, Ms. Williams, Mr. Day and Vice-Chairman McAdam voting aye and Ms. Jalloh abstaining from voting.

Public Hearing #2014-14 - Request from Acme Sign Company/Title Max Loans for a variance of 47.5 square feet of the maximum 50 square-foot total sign area requirement in a B-3 (community business) district at 2926 11th Street.

Mr. Fries presented the staff report. He explained that the sign ordinance requires that there be a total sign area of 50 square feet matching the 50-foot wide total lot width (Section 5[a] [2]). The applicant proposes to erect an attached sign (49.5 square feet in area) on the east façade of the building and a freestanding sign (48 square feet in area) to be located in the east front yard.

The former business had a freestanding sign on the southeast corner of the site (see attached photo of existing site). The applicant proposes an attached sign with a 49.5 square foot copy area on an awning on the east façade and a 48 square-foot freestanding sign on a new pole at the southeast corner of the site (see proposed sign photos). Total area of the two proposed signs is 97.5 square feet in area.

The site has only 50 feet of frontage, so the maximum sign area allowed by the Sign Ordinance would only be 50 square feet. Staff believes that two signs are acceptable because the lot has a small frontage compared to other properties in the area that have larger signs and that 11th Street is a four-lane highway.

Vice-Chairman McAdam called for proponents.

Doug Jarvis, representing Acme Sign Company of 1504 W. 4th Street in Davenport, was sworn in. He said 11th Street is a busy street and that the two signs are both needed and are also very tasteful in appearance.

Tom DeCrane, 712 3rd Street in Moline and owner of Beaks and Barks pet store on the site, was sworn in. He said he is retiring and selling the property. He added that the subject lot has been increased in size by 20 feet on the south approximately four months ago, so it is now 70 feet wide rather than only 50 feet wide.

Mr. Fries indicated that the sign area variance will now be reduced from 47.5 square foot of the 50 square foot total sign area to now be 27.5 square feet of the 70 square foot total sign area requirement.

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

Decision Case #2014-14 – Mr. Tschappat made a motion to approve the revised request because:

1. The proposed variance will improve the return on the property.
2. The lot still has a small frontage compared to other commercial lots in the area.
3. The proposed variance will not alter the character of the neighborhood.

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

Other Business:

Mr. Griffith informed the Board that there are three cases on the agenda for the regular July meeting. He reminded the Board members to be mindful of any *ex parte* communications and to contact the Planning Office with any questions regarding any items on upcoming agendas.

Adjournment:

Vice-Chairman McAdam adjourned the meeting at 7:40 p.m.

Respectfully submitted,



Ben Griffith, AICP, Secretary
Rock Island Board of Zoning Appeals