

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

Regular Meeting

7:00 p.m.

August 13, 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 July 9, 2014 meeting. Mr. Day seconded the motion, and it passed unanimously.

Procedural Explanation – Vice-Chairman McAdam explained the procedure to be followed for the public hearing. He said there is one Interested Party for case #2014-22.

Public Hearing #2014-18 - Request from Thomas and Karen Long for a variance two feet of the three-foot side setback requirement for an accessory structure in a rear yard in an R-2 (one family residence) district at 3204 25th Street.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that there be a three-foot setback for an accessory structure in a rear yard (Section 8.5A). The applicant proposes to construct a detached garage (14' x 20') in the west rear yard.

The applicant has removed a previous detached garage from this same approximate location and proposes to construct a new garage at approximately the same location (one foot from the south property line). The rear yard has an angled configuration making it difficult to move the proposed garage any further into the west rear yard. The setback variance is needed to make it easier to make the curve into the proposed garage from the driveway (see applicants attached drawing). An existing storage building located in the rear yard will be removed from the property.

Vice-Chairman McAdam called for proponents.

Thomas and Karen Long, 3204 25th Street, were sworn in. Ms. Long said that if they would have to move the proposed garage further from the property line it would make it difficult to pull into the driveway and they would probably move. She said they have talked to their neighborS and they have no problem with the variance.

Mr. Tschappat asked if the variance was approved to one foot from the property line, how they would maintain that side of the garage wall without going on their neighbor's property. Ms Long replied that it would be sided so there would not be much, if any, maintenance. She added that there was a similar garage there before, that it was not a problem and she hoped it would not be a problem in the future.

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

Decision Case #2014-18 – 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 #2014-19 - Request from Clifford and Lottie Carey for a variance of 23.5 feet of the 25-foot front yard setback requirement in an R-3 (one and two family residence) district at 723 18th Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires a 25-foot front yard setback requirement in an R-3 zoning district (Section 15.5). The applicant proposes to construct an attached open deck (10' x 16') in the east front yard.

The open deck will be approximately one step in height and provide an outside sitting area on the east side of the residence (adjacent to an existing door). Currently, the applicant has a BBQ and outside eating area at this location. Due to the open deck having a low height, it would not have a negative impact on visibility up and down the block for neighbors.

Vice-Chairman McAdam called for proponents.

Clifford and Lottie Carey, 723 18th Avenue, were sworn in. Mr. Carey said the deck would only be one foot in height and come out ten feet from the east side of the residence. He said there would be a step up from their eastern door and the deck would have a rail around it.

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

Decision Case #2014-19 – Mr. Wild made a motion to approve the request because:

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

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

Public Hearing #2014-20 - Request from Robert Bisland for a variance of 100 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 3406 6th Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that there be a 300-foot separation standard between Unrelated Group Family Uses (Section 4.6). The applicant proposes to establish an Unrelated Group Family Use within 200 feet from an approved Unrelated Group Family Use at 3430 6th Avenue.

The applicant seeks to lease to four unrelated individuals for the single family dwelling. The Zoning Ordinance requires that Unrelated Group Family Uses not be within 300 feet from an existing similar use. The identified existing Unrelated Group Family Use on this block is located at 3430 6th Avenue (see case map). The applicant is also seeking a separation variance from the existing use for 3414 6th Avenue, which is located 80 feet to the east of the subject site.

The subject property meets the off-street parking requirement because there are four spaces within a concrete parking area located adjacent to the alley in the south rear yard. The Zoning Ordinance only requires two off-street parking spaces for any Unrelated Group Family Use.

Vice-Chairman McAdam called for proponents.

Robert Bisland, 14509 85th Avenue West in Taylor Ridge, Illinois, was sworn in. He said that it is a four bedroom house, that it is well kept and he keeps it a quiet house since he screens his tenants. He said having four girls in the house will not have a negative effect on the neighborhood and that he does not allow big parties, or tenants in fraternities. He says he has not had complaints from neighbors about any of his properties.

Vice-Chairman McAdam said during the first years after the ordinance passed there were not many separation variances approved, but now there is less opposition and more variances have been approved. He asked what the applicant does to help keep the property in shape. Mr. Bisland replied that having four tenants helps supply enough rent to keep the property up and that he does not allow parties of 20 people or more. He said he charges the tenants if he has to clean up the yard after parties and does rent to guys in fraternities. He said he does not put up with noise complaints or other trouble from bad tenants. He said he is the first to come down on the college student tenants calling the police or the Inspection Division.

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

Decision Case #2014-20 – Ms. Jalloh 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. Tschappat seconded the motion, and it passed unanimously.

Public Hearing #2014-21 - Request from Robert Bisland for a variance of 250 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 3414 6th Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that there be a 300-foot separation standard between Unrelated Group Family Uses (Section 4.6). The applicant proposes to establish an Unrelated Group Family Use within 50 feet from an approved Unrelated Group Family Use at 3430 6th Avenue.

The applicant seeks to lease the single family residence to four unrelated individuals. The Zoning Ordinance requires that Unrelated Group Family Uses not be within 300 feet from an existing similar use. The identified existing Unrelated Group Family Use on this block is located at 3430 6th Avenue (see case map). The applicant is also seeking a separation variance from the existing use for 3406 6th Avenue, which is located 80 feet to the west of the subject site.

The subject property meets the off-street parking requirement because there are two spaces within a concrete parking area located adjacent to the alley in the south rear yard. The Zoning Ordinance only requires two off-street parking spaces for any Unrelated Group Family Use.

Vice-Chairman McAdam called for proponents.

Robert Bisland, 14509 85th Avenue West in Taylor Ridge, Illinois, was sworn in. He said that this property is three doors away from his other house and that he keeps up this and all of his other properties.

Mr. Wild wondered if a stipulation of four, but not more than five tenants, should be allowed on the property.

Mr. Fries explained that an unrelated group family use is defined of four to five unrelated individuals. He said Housing Code regulations determines how many can be located in each bedroom in the house. There cannot be more than a total of five residents of the house.

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

Decision Case #2014-21 – 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 #2014-22 - Request from Andy Klockau and Jessica Jackson for a variance of 1.5 feet of the 3.5-foot maximum height for a fence in a front yard and a variance of 19 feet of the 25-foot setback from point of intersection requirement for a fence at an intersection of two streets in an R-3 (one and two family residence) district at 544 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 along property lines at point of intersection of two property lines at an intersection of two streets (Section 8.12). The applicant proposes to erect a 5-foot tall wrought iron fence in the east and south front yards.

The applicant desires the 5-foot tall fence on the double front yard property because they have a dog that could get out over a shorter fence. The setback variance from the point of intersection at the southeast corner of the lot is also being requested to provide a larger fenced-in area for the property owners. The proposed fence will have approximately 5 inches between the posts and will be located up to the property line along the south and east front yards (except in the case of the 6-foot setback from point of intersection). The City Engineer has looked at the site for visibility issues and has no objection to the request as submitted.

The subject property is a local landmark as is the property located to the north (536 23rd Street). The Preservation Commission has the authority under the Preservation Ordinance to comment on the proposed variance request to the Board. At its July meeting, the Commission voted to pass along the comment to support only a 3.5-foot tall fence rather than the proposed 5-foot tall fence because a “five-foot tall fence would look disproportionate and out of sync with others in the area” (there is a 3-foot, 3-inch tall fence located in the east front yard of 536 23rd Street). Staff also believes that approving a variance to allow a five foot tall fence just to the south of this neighboring property and at this small lot at a visible intersection alters the character of the neighborhood. Staff recommends that a variance of 6 inches of the 3.5-foot tall fence height requirement (allowing a 4-foot tall fence and the proposed variance from point of intersection (19 feet of the 25-foot setback) be approved because it will improve the return on the property, the lot is a corner lot with two front yards and it will not alter the character of the neighborhood.

Vice-Chairman McAdam called for proponents.

Andy Klockau and Jessica Jackson, 544 23rd Street, were sworn in. Mr. Klockau said they have revised their request to only request a height variance of 6 inches to allow a 4-foot tall wrought iron fence only in the south front yard. He explained the fence company they are considering does not manufacture a 3.5-foot all fence and they believe a 4-foot tall fence will accommodate their dog better.

Vice-Chairman McAdam called for the Interested Party.

William and Wendy Rowan, 556 23rd Street, were sworn in. Mr. Rowan said they have just come back from being out of town and have not had the opportunity to talk with the applicants. He said they would like to have the fence be only 3.5 feet in maximum height, but the applicant's proposal for a 4-foot tall fence is better than their proposal for a 5-foot tall fence. He added that they are pleased it will only be located in the south front yard and not adjacent to their property.

Vice-Chairman McAdam asked for a rebuttal.

Mr. Klockau again said the company that makes the fence they want does not manufacture a 3.5-foot tall fence in the design they want. He said they want to maintain having a 4-foot tall fence in their request.

Mr. Rowan said he can live with a 4-foot tall fence because he has three large dogs himself and understands the need for a taller fence in the south front yard.

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

Decision Case #2014-22 – Ms. Williams made a motion to approve the revised request for a 4-foot tall fence only to be located only in the south front yard with a variance of 5 feet of the 25-foot setback from point of intersection of the south and east property lines because:

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

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

Other Business:

Mr. Griffith informed the Board that there are four cases on the agenda for the regular September 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 8:12 p.m.

Respectfully submitted,



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