

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

Regular Meeting

7:00 p.m.

October 13, 2010

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

Staff Present: Alan Carmen, Alan Fries

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

Approval of Minutes – Mr. Tschappat made a motion to approve the Minutes of the September 8, 2010 meeting. Mr. McAdam seconded the motion, and it passed unanimously.

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

Public Hearing #2010-21 - Request from Alleman High School for a special exception to expand a nonconforming parking lot in an R-3 (one and two family residence) district and variances from the ten-foot wide landscape buffer in a front yard and the five-foot wide landscape buffer in the side and rear yard for a parking lot in an R-3 and B-1 (neighborhood business) district at 1326 and 1334 41st Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires Board authorization to expand a non-conforming use (Section 5.12) and a ten-foot wide landscape area in a front yard adjacent to a public street and a five-foot wide landscaped area in a side and rear yard (Section 36.5). The applicant proposes to maintain an existing improved parking lot on both properties without landscaping on the site.

Staff received a complaint from a citizen regarding the expansion of the parking area without landscaping. Upon review staff identified that one of the two parcels was zoned R-3 and would require Board authorization to allow the parking lot expansion. The southerly lot is zoned B-1, which allows parking lots, but neither subject lot has any landscaping.

In 1999 Alleman came before the Board to request expansion of its parking lot at 1320 and 1322 41st Street (properties to the north of the subject site). The Board approved the use, but stipulated a five-foot wide landscaped area with a 26-inch tall solid fence or hedge along the east property line and a five-foot wide landscaped area with a four-foot tall solid fence or hedge along the then south property line of 1322 41st Street. There are some bushes along the east side of those two parcels, but no landscaping adjacent to the subject sites. Staff believes similar landscaping stipulations should be approved to the subject two parcels.

Mr. Tschappat asked if all the landscaping was in place for the previous parking areas. Mr. Fries replied that he was not certain, but it appeared that some of the landscaping was not yet complete.

Chairman Snyder called for proponents.

Colin Letendre, 2712 28th Avenue and Principal of Alleman High School, was sworn in. He said that they will now agree to the staff recommendation and locate landscaping along the east and south property lines of the new parking area. He said they would like the freedom to locate either a hedge or solid fence in different places around the parking lot.

Mr. Tschappat asked about the previous landscaping. Mr. Letendre said that he was not aware that all of the previous landscaping was not in, but said they would abide by the previous landscape requirement.

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

Decision Case #2010-21 – Mr. Tschappat made a motion to approve the request to expand the nonconforming use because:

1. The parking lot will not alter the character of the neighborhood.

And to also approve a variance to allow a five-foot wide landscaped area with a 26-inch solid fence or hedge provided along the east property line and a four-foot tall solid fence or hedge provided along the south property line because:

1. The proposed variance will not alter the character of the neighborhood.
2. The proposed landscaping is consistent with the previously approved adjoining landscaped parking lots.

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

Public Hearing #2010- 22 - Request from Reyes Garcia for a variance of 21 inches of the 3.5-foot maximum fence height in a front yard in an R-6 (multi-family residence) district at 535 22nd Street.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that fences in a front yard of a residential zoning district not exceed 3.5 feet in height (Section 8.12). The applicant proposes a 63-inch tall metal bar fence with the bars four inches apart in the west front yard.

The applicant desires to fence in her entire yard (including driveway) and will erect a legal six-foot (72 inch) tall metal fence in the side and rear yard and proposes to erect a 63-inch metal fence (five foot three inches) in the front yard. The applicant indicates that the taller fence is needed for better security for her property. There is only a four to five-foot deep front yard on the property.

Staff understands the concern property owners have for security for their property, but the taller metal fence in the front yard will give the site a fortress-type appearance that will alter the character of the neighborhood. Staff believes that a 42-inch tall fence (along with the adjacent six-foot tall side and rear yard fence) will provide adequate security.

Mr. McAdam asked if there was a drawing of the proposed fence. Mr. Fries replied that there was not.

Chairman Snyder called for proponents.

Reyes and Mary Garcia, 535 22nd Street and their translator Benita Rodriquez, 1561 29th Avenue, were all sworn in. Ms. Rodriquez speaking for Mr. and Mrs. Garcia said that they are requesting the taller fence for better security because at night there have been fights in the street and there has also been some vandalism done to their property. She said that this will keep people away from their property and provide better security for their small grandchildren when they play outside.

Mr. Tschappat asked what the fence was going to be made of. Ms. Rodriquez replied there would be solid wire between two inch thick square rods in the middle of the fence.

Mr. McAdam asked if Mr. Garcia would make the fence himself. Ms. Rodriquez replied that he and a friend would make it and weld the metal parts together.

Chairman Snyder asked how far would the square metal rods be located on the fence and if it would be painted. Ms. Rodriquez replied the rods would be spaced eight to nine inches apart and it would be painted black.

Mr. Carmen said that City codes require that the spacing be only four inches in separation to minimize children getting their heads stuck in the fencing.

Mr. Tschappat asked if there would be two gates in front, one for the driveway and one for people. Ms. Rodriguez replied that there would.

Chairman Snyder asked why they could not locate a 3.5-foot fence in the front yard. Ms. Rodriguez replied that the people fighting in the street could easily jump over a 3.5-foot tall fence.

Mr. McAdam asked if they wanted the top of the fence to be flat. Ms. Rodriguez replied that they prefer the top of the fence to be flat, but have the metal rods have points on top of them. She said that if the Board needed a drawing they could provide one next month because they want to have the request be approved. She also said that it may make it difficult for them to put up the fence because in another month the weather may not be as good.

Chairman Snyder asked why they came to the height of 63 inches tall. Ms. Rodriguez replied that they like how that height would look and it would make them feel more secure with that height.

Chairman Snyder then asked if they would consider a fence ten inches shorter. Ms. Rodriguez replied that they would prefer a taller fence, but would be willing to compromise in order to receive a variance from the 3.5-foot height requirement.

Ms. Williams asked if the metal rods they would buy come in a standard height. Ms. Rodriguez replied that it can be ordered and cut to any height.

Mr. Tschappat made a drawing on what he thought they would like the proposed fence to look like and asked the applicants to respond to it to see if it was what they wanted to do (drawing identified two horizontal lines on top of the fence and at the bottom of the fence). Ms. Rodriguez had the Garcia's look at the drawing and they indicated that it represented what they wanted to construct for the proposed fence.

Ray Barnd, 535 22nd Street, was sworn in. He said that he understands the reason for the fence and does not have a problem with the variance request.

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

Decision Case #2010-22 – Mr. McAdam made a motion to approve a request because:

1. The proposed fence will add to the security of the property.
2. There proposed fence will not alter the character of the neighborhood.

Mr. Tschappat seconded the motion.

Ms. Williams said that since the fence will not be a solid fence it will not look like a fortress.

Mr. Tschappat said that security is the biggest issue related to this request.

Mr. McAdam agreed.

Chairman Snyder reminded the Board that no one opposed the fence and one neighbor supported it. He then called for a vote on the motion to approve the request, and it passed unanimously.

Public Hearing #2010-23 - Request from David and Neva Skinner for a variance of 300 square feet of the minimum 6,000 square foot lot area requirement for a duplex in an R-3 (one and two family residence) district at 1213 35th Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires that lots within an R-3 zoning district have a minimum lot area of 6,000 square feet for a duplex use (Section 16.5). The applicant proposes to convert an existing single-family residence into a duplex.

The applicant will arrange the two units to be an up and down duplex with two unrelated individuals in upper dwelling and two to three individuals in the lower dwelling. Currently, there is a one-car detached garage and two-space carport in the rear yard. The Zoning Ordinance requires a total of four parking spaces for a duplex. The applicant will add an additional parking space to the west of the southerly space in the rear yard (stacked space allowed by the Zoning Ordinance for duplex units).

Although there are other duplex units in the neighborhood, the structures that are currently two units were either originally designed to be side-by-side duplex structures and/or are larger in size and bulk than the subject house and property.

Chairman Snyder called for proponents.

David and Neva Skinner, 3410 76th Street in Moline, were sworn in. Mrs. Skinner said that when their daughter was going to college they had to look five miles from her campus to find safe and affordable housing for her. She said they have rented the house for two years to students and their goal is to help them be incorporated into the neighborhood. She said there are two doors off the front porch and an inside stairway leading up to the second floor. She said the second floor has two bedrooms and a bath and they would add whatever else is required for that space to be a separate dwelling unit. She said that the house behind their property has been converted into a duplex and there is a duplex located across 35th Street from their property. She said that they will add a fourth parking space in the rear yard and then submitted letters of support from eight adjacent property owners. She added that Diana Kepler (Diana Sersland on map), was not able to supply a letter, but has told them she supports their request.

Mr. McAdam asked if both entrances would be in the front of the house. Mr. David Skinner replied that there are two doors in the front and each door has a dead bolt lock and they would use them and not change the floor plan of the house. He added that he has printed a copy of the City Code related to rental units and will abide by all the requirements.

Mr. Tschappat asked if he will put in a second exit for the upstairs unit. Mr. Skinner said he talked to one of the City Inspectors and they did not say that a second exit would be required.

Mr. Carmen said he would check with the Inspection Division to verify if a second exit was required.

Mr. Tschappat asked if a second exit was required where would he locate it. Mr. Skinner replied that they would probably have to utilize a back hallway to get to the back roof and locate a second exit in the rear yard.

Chairman Snyder asked if the house was used as a duplex in the past. Mr. Skinner replied that they purchased the house in 1998 as a single family residence and could not tell at that time if it has been used as a duplex previously.

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

Decision Case #2010-23 – Mr. McAdam 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.

Ms. Williams seconded the motion.

Ms. Williams said that there was no objection from neighbors and eight people took the time to write letters of support.

Mr. Tschappat said his main concern is for safety for the residents and if a second exit is required he believes that the outside stairway will alter the character of the neighborhood.

Mr. Carmen said that if a second exit is required it will be a matter what options the Code identifies as options that will be the safest and lead to the most minimal disruption to neighbors.

Chairman Snyder then called for a vote on the motion to approve the request and it passed with Ms. Williams, Mr. McAdam, Ms. Jalloh and Chairman Snyder voting aye, and Mr. Tschappat voting nay.

Chairman Snyder called for a five minute recess.

Public Hearing #2010-24 - Request from Curtis Blasdell for a variance of either three feet, or one foot, of the three-foot setback for an accessory structure in a rear yard in a R-3 (one and two family residence) district at 2362 11th Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a three-foot minimum setback for accessory structures in a rear yard of a residential zoning district (Section 8.5A). The applicant proposes to remove an existing one-car detached garage and construct a new 16' x 24' detached garage in the west rear yard.

The applicant's existing one-car detached garage was damaged by a fallen tree and will need to be removed. In its place the applicant desires to construct a 1-½ car garage at the same location (maintaining the north wall that is currently located right up to the north property line). The applicant desires to construct the new garage right up to the north property line to minimize pouring any new concrete for the driveway and making it easier to make the turn to pull in and out of the garage.

The applicant has also indicated that if the Board does not approve his request for a full three foot variance that a variance of one foot of the three-foot setback would be workable (maintaining a two-foot setback on the north property line). Staff believes that this one foot variance is the most reasonable solution as it would allow for some space to maintain the north wall of the new garage and provide more room to maneuver in and out of the garage.

Mr. Fries indicated that an objection and Statement of Interested party had been received from Wesley Ringstaff of 1003 Renee Drive in Sherrard, Illinois and owner of 2356 11th Street.

Chairman Snyder called for the proponent.

Curtis Blasdell, 2362 11th Street, was sworn in. He said that a tree fell on his garage and that he wants the new garage to be located there also because if it is located any further away from the property line it will be difficult to make the turn off the driveway into the garage.

Chairman Snyder asked if Mr. Ringstaff would like to cross-examine the applicant. Mr. Ringstaff declined.

Mr. McAdam asked if he knew exactly where the lot line was located at. Mr. Blasdell replied that his neighbor (Mr. Ringstaff) had a survey done and it identified that the north wall of the garage is right up to the property line.

Mr. McAdam asked if the chain link fence is on his property or Mr. Ringstaff's property. Mr. Blasdell replied that it is on Mr. Ringstaff's property.

Chairman Snyder asked how would he maintain the north façade of the new garage if it is constructed right up to the property line. Mr. Blasdell replied that it would have vinyl siding and would not have any maintenance issues.

Chairman Snyder then asked if he could accept a variance to construct the proposed garage two feet off the property line. Mr. Blasdell replied that the garage door is 14 inches off the property line and he could accept that.

Chairman Snyder called for opponents.

Wesley Ringstaff of 1003 Renee Drive in Sherrard, Illinois and owner of 2356 11th Street, was sworn in. He says he rents the house to tenants and does not want a full three foot variance because of any potential roof overhang and maintenance issues for the proposed garage. He said he would accept the new garage to be constructed two feet off the property line.

Chairman Snyder called for a rebuttal.

Mr. Blasdell did not choose to speak.

Decision Case #2010-24 – Ms. Williams made a motion to approve a variance of one foot of the three-foot setback because:

1. That variance will improve the return on the property.
2. The existing garage was constructed right up to the north property line and if it is moved the required three feet it would require more concrete to be poured for the driveway and also make it more difficult to turn into the garage stall.
3. The variance will not alter the character of the neighborhood.

Mr. Tschappat seconded the motion, and it passed unanimously

Public Hearing #2010-25 - Request from Richard Martin for a variance of four feet of the eight-foot minimum side yard setback requirement for a two story residence in an R-3 (one and two family residence) district at 1006 33rd Avenue.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires an eight-foot minimum side yard setback for a two-story residence (Section 16.5). The applicant proposes to remove an existing one-story house and construct a new two-story house (26' x 70') within four feet of the west side yard.

The proposed two-story residence will be located 25 feet from the front property line and 30 feet from the rear property line (meeting Zoning Ordinance requirements). The east side yard will be 12 feet, while the west is proposed to be only four feet (the lot is only 42 feet in width). There will be a three-car attached garage on the north end of the residence and the main entrance will face to the east. The residence will have five bedrooms on the second story.

Although there are not many two-story homes in the neighborhood, there are many 1-1/2 story homes nearby. Staff believes that the four-foot variance for the two-story home will not alter the character of the neighborhood

Mr. Fries indicated that an e-mail with attached photographs had been received from Duane and Marcia Otto, owners of 1000 33rd Avenue, objecting to the request because of junk located on the subject property, drainage issues and potential damage done to their property during construction due to the close proximity of the new house. Mr. and Mrs. Otto also indicated that they live in Missouri and could not attend the public hearing.

Chairman Snyder called for proponents.

Richard Martin, 1215 15th Street, Apartment B-103 in Moline, was sworn in. He said that his father had converted the former two-car garage on the site into a small house and has rented it through the years and the junk has come from a recent tenant. He said that the existing house is located three feet five-inches from the property line and that he will construct the new house four feet from the line. He said that all the junk will be removed and when he resides there will not be any more junk on the property. He added that the shed will be relocated for the new construction and then removed from the property.

Mr. Tschappat asked if there was a drawing of the proposed house. Mr. Martin submitted a drawing of the proposed two story house identifying the attached garage doors facing the alley to the east.

Decision Case #2010-25 – Mr. Tschappat made a motion to approve a variance because:

1. That proposed structure will improve the return on the property.
2. The lot is eight feet less in width than the minimum 50-foot wide required lot width in an R-3 district.
3. The proposed structure will not alter the character of the neighborhood.

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

Public Hearing #2010-26 - Request from Ben Reeder for a variance of two feet of the six foot separation between accessory structures in an R-2 (one family residence) district at 2103 18th Avenue.

There was no one in attendance for the public hearing.

Mr. Tschappat made a motion to table the request and defer action until the November 10, 2010 meeting.

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

Executive Session

Mr. Tschappat made a motion for the Board to go into Executive Session to discuss pending litigation. Mr. McAdam seconded the motion, and it passed unanimously.

Mr. McAdam made a motion to come out of Executive Session. Mr. Tschappat seconded the motion, and it passed unanimously.

Chairman Snyder adjourned the meeting at 9:30 p.m.

Respectfully Submitted,

Alan M. Carmen, Secretary
Rock Island Board of Zoning Appeals