

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

**Regular Meeting**

**7:00 p.m.**

**November 10, 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. McAdam made a motion to approve the Minutes of the October 13, 2010 meeting. Mr. Tschappat seconded the motion, and it passed unanimously.

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

**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 18<sup>th</sup> Avenue.**

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a six-foot separation between accessory structures in a residential zoning district (Section 8.5A). The applicant proposes to construct a 6' x 12' shed within four feet of an existing detached garage in the east rear yard.

The proposed storage shed will be located in the grassy space between the existing detached garage and a concrete parking slab. The applicant desires to maintain the availability of this parking area. Other locations on the site are not optimal because of his desire to keep access to the garage (vehicular door facing alley to the east), and the desire to keep the shed visible from the house, which eliminates the location north of the garage. In addition, a location north of the garage would require a variance from the property line setback. The four-foot separation will make it possible to maintain the south side of the existing detached stucco garage. The door of the shed will face south.

The property is located within the Highland Park Historic District. The Preservation Ordinance allows the Preservation Commission to comment to the Board regarding requests within the district to determine impact on the historic district. The Commission met on September 22<sup>nd</sup> and voted unanimously to comment to the Board that the request will not have a negative impact on the historic district. The Commission also approved a Certificate of Appropriateness allowing the shed to be built, subject to the Board's final action.

Chairman Snyder called for proponents.

Ben Reeder, 2103 18<sup>th</sup> Avenue, was sworn in. He said that they have a small two-car garage and need extra space for storage of tools and lawn equipment. He said there is not another good space on his property to locate the storage building. He said that the four-foot separation will allow him adequate room to maintain both structures.

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

**Decision Case #2010-26** – Ms. Williams made a motion to approve the request because:

1. The proposed accessory structure will improve the return on the property.
2. The lot is a corner lot with two front yards.

3. The proposed accessory structure will not alter the character of the neighborhood.

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

**Public Hearing #2010- 27 - Request from JPH Rentals for a variance of 30 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 617 39<sup>th</sup> Street.**

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that there be a 300-foot separation between unrelated group family uses (Section 4.6c). The applicant proposes to maintain an Unrelated Group Family Use for up to four or five residents on the site.

Mr. Jason Hutchinson signed the variance application representing JPH Rentals. He has applied for administrative and variance applications before for Unrelated Group Family Uses, so he is aware of the zoning regulations for these types of uses. He has owned the subject property for over two years and currently has four residents in the home (previously received the mentioned temporary use until May 2011 to complete the lease with the current residents). He now hopes to sign a lease with new residents for the next school year and requests a full variance from the separation requirements. The variance application is needed because the subject property is within 270 feet from another property he owns (see case map that identifies 643 40<sup>th</sup> Street as an approved Unrelated Group Family Use).

The subject property has a two-space concrete parking area located in the east rear yard with access from the alley. This meets the two off-street space parking requirement for the proposed use.

The separation standard was initiated to prevent a concentration of unrelated group family uses in a neighborhood; staff believes that the standard should be maintained in this situation.

Chairman Snyder called for proponents.

Jason Hutchinson 1302 34<sup>th</sup> Street, was sworn in. He said that he knows the ordinance, but that it is a four bedroom residence that is located in an area with a high concentration of student housing and that the variance is only over 30 feet of separation. He said the location is a good fit for small groups of students living there because it is so close to campus. He said he has added a new roof, flooring and exterior doors to help improve the property and that if he can only rent to three unrelated individuals it will make it financially more difficult to maintain the property as well. He said there have been no issues with the existing residents and no objections from neighbors.

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

**Decision Case #2010-27** – Mr. Tschappat made a motion to approve a request because:

1. The proposed variance will improve the return on the property.
2. The proposed use is the only unrelated group family use in the square block
3. The proposed variance will not alter the character of the neighborhood.

Ms. Williams seconded the motion. She said she supports the motion because there was no neighbor opposition.

Mr. McAdam agreed. He added that the location will keep students living close to campus.

Chairman Snyder also acknowledged that not hearing any negative neighbor comments are important to him in considering a variance request. He called for a vote on the motion to approve the request and it passed unanimously.

**Public Hearing #2010-28 - Request from Dorothy Ehrmann for a variance of four feet of the 21-foot average front yard setback requirement in an R-3 (one and two family residence) district at 843 20<sup>th</sup> Street.**

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires that either a 25-foot front yard setback or an average front yard be taken (Sections 9.4 and 16.5). The applicant proposes to build an enclosed front porch (5' x 20') in the west front yard.

The applicant will remove the existing open front porch and rebuild it with an enclosed porch with exactly the same dimensions. The porch has been resingled recently (this maintenance work does not require a variance). However, the rebuild will include new framing, decking and posts, along with floor-to-ceiling screens, so the occupants can use the space more regularly. This change in appearance from an entirely open porch to a screened-in porch triggers the need for a variance from the front yard setback requirements. The property is located across the street from two local landmarks located at 842 and 848 20<sup>th</sup> Street.

The Preservation Ordinance allows the Preservation Commission the opportunity to comment on the variance request related to its potential impact on these two landmarks. The Preservation Commission met on October 27<sup>th</sup> and unanimously approved a motion that the proposed variance will not significantly impact the streetscape nor adversely affect the two landmark properties.

Chairman Snyder called for proponents.

Dorothy Cunningham Ehrmann, 843 20<sup>th</sup> Street, was sworn in. She said she always wanted to have a porch that she could enjoy sitting outside and thinks this variance will enhance her property and make the neighbors happy.

Dan Mullanack, 1208 Franklin Street, Buffalo, Iowa and contractor for the construction job to improve the porch was sworn in. He said the roof will be staying and it will be the exact same size as the previous porch. He said the only difference will be the screen enclosure.

Mr. Tschappat asked if the floor will be made of wood. Mr. Mullanack replied it will be made of wood and will have four pier footings.

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

**Decision Case #2010-28** – Mr. McAdam made a motion to approve the request because:

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

Mr. Tschappat seconded the motion, and it was approved unanimously.

Chairman Snyder adjourned the meeting at 7:30 p.m.

Respectfully Submitted,

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