

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

Regular Meeting

7:00 p.m.

December 8, 2010

ATTENDANCE:	(x) Present	() Absent
() Vacant		(x) Karen Williams
(x) Dave McAdam		(x) Larry Tschappat
(x) Gary Snyder		() Robert Wild
() 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 November 10, 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 #2010-29 - Request from Donnie Moore for a variance of five feet of the six foot side yard setback requirement in an R-3 (one and two family residence) district at 535 43rd Street.

Mr. Fries presented the staff report. He explained that the Zoning requires a six-foot side yard in an R-3 zoning district (Section 16.5). The applicant proposes to construct an attached open deck (12' x 14') in the north side yard.

The proposed deck will have no impact on any adjacent property owner as it will overlook the wooded ravine area to the north. The proposed deck will extend out from the north façade and will be constructed up to one foot from the north property line. The subject lot is 3,000 square feet smaller than the minimum lot size for a lot within the R-3 zoning district and the house is also constructed very close to the east (rear) property line.

Chairman Snyder called for proponents.

Donnie Moore, 2210 29 ½ Street, was sworn in. He said that there had been a deck at approximately the same location that has been removed because of its poor condition.

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

Decision Case #2010-29 – Ms. Williams made a motion to approve the request because:

1. The proposed deck will improve the return on the property.
2. The lot is smaller than the minimum lot size in an R-3 district. The existing structure is also constructed up to the east (rear) property line.
3. The proposed deck will not alter the character of the neighborhood.

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

Public Hearing #2010- 30 – Request from Annette Zapolis, Cool Beanz Coffeehouse LTD., for a variance of 112 square feet of the 140 square foot maximum sign area allowed in a B-1 (neighborhood business) district. At 1325 30th Street.

Mr. Fries presented the staff report. He explained that the Sign Ordinance requires a maximum sign area equal to one square foot of signage for every foot of frontage (Section 5 {a} {2}). The lot has 140 feet of frontage on 14th Avenue. The applicant proposes to erect an attached sign, 60 square feet in area, on the south façade.

Currently there is a total of 192 square feet of sign area located on the south and east façade of the structure. These existing signs were located on the structure under previous Sign Ordinance regulations which allowed for more total sign area than the current ordinance (previous regulations allowed for two square feet of sign area for every foot of lot frontage).

The proposed lighted sign will be 60 square feet in sign area and will be located on the south façade between the existing awnings and sign for Klauer Heating and Air Conditioning sign (see attached drawing and photograph). The sign will be flat against the wall and be made of a lexan material. The sign will be used to advertise the business and as a message board. Staff believes that the additional signage is reasonable since the business is located on a corner.

Chairman Snyder called for proponents.

Annette Zapolis, 1205 E. River Drive in Davenport, was sworn in. Ms. Zapolis said the only signs she currently has on her building are on the awnings and that the proposed lighted sign will have a message board that will identify what items they have to offer for sale.

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

Decision Case #2010-30 – Mr. Tschappat made a motion to approve a request because:

1. The proposed sign will improve the return on the property by better identifying the coffee shop business.
2. The lot is a corner lot with two frontages
3. The proposed sign will not alter the character of the neighborhood.

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

Public Hearing #2010-31 - Request from Kathy Wilson for a variance of 26 feet of the 30 foot rear yard setback requirement in an R-2 (one family residence) district at 8012 7th Street West.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a 30-foot rear yard setback requirement in an R-2 zoning district (Section 15.5). The applicant proposes to construct an attached four-season room (12' x 22') that will connect the residence to an existing two-car detached garage located in the west rear yard.

The proposed four-season room will be used to connect the residence to the existing detached garage. The space will be used to locate a hot tub the applicant needs to use for health reasons. Since the garage will be connected to the house the garage setback is changed to be a 30-foot rear yard setback requirement (setback for principal structure and its addition). It is not feasible to relocate the existing garage to meet the new setback requirements.

Chairman Snyder called for proponents.

Brook Wilson Clemons, 521 Bruce Avenue in Milan, was sworn in. She said that she was Kathy Wilson's daughter and that the addition was needed to connect the house to the detached garage so her mother could get from one to another without having to go outside in inclement weather. She said that her mother has health problems and has fallen on the driveway before during the winter months.

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

Decision Case #2010-31 – Mr. McAdam made a motion to approve the request because:

1. The proposed addition will improve the return on the property.
2. There currently exists a four foot setback for the existing detached garage. The addition will not change the existing garage setback off the rear property line.
3. The proposed addition will not alter the character of the neighborhood.

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

Public Hearing #2010-32 - Request from Mike Rosch, Aldi Inc. for a special exception to authorize an approximate 59 square foot freestanding outdoor advertising sign, a variance of 24 feet of the 50 foot separation from residentially zoned property, and a variance of 24 feet of the 25 foot front yard setback requirement for a freestanding outdoor advertising sign in a B-3 (community business) district at 3700 18th Avenue.

Mr. Fries presented the staff report. He explained that the Sign Ordinance requires that freestanding outdoor advertising signs be authorized by the Board in a B-3 district, that there be a 25-foot front yard setback requirement and a separation standard of 50 feet from residentially zoned property (Section 6 {a} {4}). The applicant proposes to erect a freestanding outdoor advertising sign (59 square feet in area and 25 feet in height from grade to top of sign) identifying Aldi Food Stores (store located on adjacent lot to south) located on the subject property in the north front yard.

The Aldi Supermarket is proposing to relocate from its current location on the east side of 38th Street to the former Ace Hardware structure located on the lot to the south of the subject property. Since the structure is located on a separate lot to the south of 18th Avenue the applicant desires to locate a freestanding sign on the subject lot (since it is located on separate lot the proposed sign is considered an “outdoor advertising sign” by Sign Ordinance definition).

The proposed 59 square foot internally lighted freestanding sign will be placed on standards raising the sign 25 feet from grade level. The total sign area will include space for another tenant at either the subject property or the former Ace Hardware structure. The proposed sign will be located one foot from the north property line to the east of the access point off of 18th Avenue.

He said the City has received a Statement of Interested party from a representative of the American Bank, 3700 18th Avenue.

Chairman Snyder called for the proponent.

Mike Rosch, One Aldi drive in Dwight, Illinois, was sworn in. He said that Aldi Food Store will be relocating from its current location at the southeast corner of 18th Avenue and 38th Street to the former Ace Hardware building that is located to the south of the subject property. He said the sign is needed at the proposed location to be visible from traffic traveling on 18th Avenue. He said that an easement agreement with the American Bank was executed this past Monday (December 6, 2010).

Chairman Snyder asked if a representative from the American Bank would like to ask the applicant any questions. John Kustes, 17221 Cedar Road in East Moline and representing American Bank, replied that he did not have any questions, but that he would be speaking in favor of the request.

Chairman Snyder asked him to proceed with his comments.

Mr. Kustes was then sworn in. He said that he has reviewed the design of the sign and does not have any

objections because it will allow adequate space for other potential tenants to place sign identification on the proposed sign.

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

Decision Case #2010-32 – Ms. Williams made a motion to approve the request because:

1. The proposed sign will improve the return on the property by better identifying the supermarket to 18th Avenue drivers.
2. The lot is a corner lot with two street frontages and the proposed supermarket store is set back from 18th Avenue.
3. The proposed sign will not alter the character of the neighborhood.

Mr. McAdam seconded the motion and said that he is pleased Aldi Food Stores is moving into a larger building.

Chairman Snyder agreed and called for a vote on the motion to approve the request, and it passed unanimously

Public Hearing #2010-33 - Request from Dale Muller for a variance of 3.5 inches of the six foot maximum height requirement for a fence in a side and rear yard in an R-2 (one family residence) district at 8518 17th Street West.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a maximum height of six feet for a fence in a side and rear yard (Section 8.12). The applicant proposes to maintain a solid privacy fence (parts of fence measured at 6' 3.5") in the north side and rear yards.

The City received a complaint regarding the location and height of the privacy fence. The location issue was handled through a civil process (City does not enforce property line disputes), but the fence still exceeds the six-foot height requirement due to it not following the natural topography of the rear yard (top of fence is straight, but rear yard slopes to result in extended space between grade and the bottom of the fence). Staff measured the fence in several locations from grade and determined that there are parts of the fence that are approximately 3.5 inches above the six-foot height requirement. Staff does not believe that the existing fence height has a negative impact on the character of the neighborhood.

He said that a Statement of Interested Party had been received and then removed from John and Susan Schneider, 8512 17th Street. He said that Mr. Schneider had called the City to remove his opposition and Interested Party request. He also said a letter of support had been received from Charles Hauman, 1718 85th Avenue West.

Chairman Snyder called for proponents.

Dale Muller, 8518 17th Street West, was sworn in. He said that the fence was put in and is a quality fence that they want to maintain. He said that the grade change in the yard results in the fence exceeding the six foot height requirement in a few places.

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

Decision Case #2010-33 – Mr. McAdam made a motion to approve a variance because:

1. The fence has improved the return on the property.
2. The fence has not altered the character of the neighborhood.

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

Public Hearing #2010-26 - Request from Tim Bierman for a variance of 4.5 feet of the eight foot side yard

setback requirement in an R-3 (one and two family residence) district at 920 19th Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires an eight-foot side yard setback for a two-story structure (Section 15.5) and a six-foot separation between an accessory structure and a principal structure (Section 8.5A). The applicant proposes to construct a detached garage (22' x 28') in the south side yard.

Currently there is not a garage on the property. The north/south public alley to the rear of the property is not located as to provide access for the subject property. The applicant desires to locate the proposed garage off an existing gravel driveway along the south side yard. He will improve the existing driveway to asphalt or concrete. He desires to locate the detached garage in the side yard to save on the cost of extending the driveway into the rear yard. The proposed one story garage will be located 3.5 feet from the south property line and four feet from a bump out addition along the south façade of the residence.

Chairman Snyder called for proponents.

Tim Bierman, 920 19th Street, was sworn in. He said that the proposed garage will be the same color as the residence and will also have a window in front of the structure. He said that he cannot locate the structure in the rear yard because there is no access to the alley to the rear of the property.

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

Decision Case #2010-34 – Mr. McAdam made a motion to approve a variance because:

1. The proposed variance will improve the return on the property.
2. The public alley to the rear of the property does not provide access to the subject property.
3. The proposed variance will not alter the character of the neighborhood.

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

Chairman Snyder adjourned the meeting at 7:44 p.m.

Respectfully Submitted,

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