

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

**Regular Meeting**

**7:00 p.m.**

**July 13, 2016**

ATTENDANCE:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
	<input checked="" type="checkbox"/> Kevin Day	<input checked="" type="checkbox"/> Karen Williams
	<input checked="" type="checkbox"/> Dave McAdam	<input type="checkbox"/> Larry Tschappat
	<input checked="" type="checkbox"/> Gary Snyder	<input type="checkbox"/> Robert Wild
	<input type="checkbox"/> Faye Jalloh	

Staff Present: Alan Fries and Randy Hollerud.

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

**Approval of Minutes** – Mr. Day made a motion to approve the Minutes of the June 8, 2016 meeting. Ms. Williams seconded the motion, and it passed unanimously.

**Procedural Explanation** – Chairman Snyder explained the procedure to be followed for the public hearing. He said there is one Interested Party for Case #2016-12.

**Public Hearing #2016-12 - Request from Ramsey Vesey for a special exception for an authorized use and a variance of five parking spaces of the five space requirement for a community center in an R-6 (multi-family residence at 1006 3<sup>rd</sup> Avenue.**

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires Board authorization for a community center continuing to utilize the existing 3' x 6' attached unlit banner sign (Section 14.4 [A]) and five off-street parking spaces for an apartment and a community center for approximately ten individuals (Section 8.14 [D] {11}). The applicant proposes to operate a youth community center boxing gym for ages 7 to 13 on the first floor of the structure.

The applicant has been looking for a site to maintain the boxing club since relocating out of the Martin Luther King Center. The club has existed since 2006 and serves approximately 10 to 15 youths aged 7 to 13. It operates Monday through Thursdays from 5:30 to 6:30 p.m. The applicant indicates that there are 4 to 5 parents that drop off their children at the center, but most youths walk to the site. The rear yard likely had some gravel put down for parking in the past, but is currently unimproved.

He said the City received an Interested Party form from Duane Tschappat, 16500 104<sup>th</sup> Avenue West in Illinois City, Illinois (owner of 1010 and 1013 3<sup>rd</sup> Avenue in Rock Island). Mr. Tschappat indicated concerns regarding parking for the subject site and on the street.

Chairman Snyder called for proponents.

Ramsey Vesey, 1011 14 ½ Street, was sworn in. He submitted a petition signed by nine citizens in support of the community center and a certification from a USA Boxing Association for his work with youth. He said he hopes to continue to work with youth in the area.

Chairman Snyder called for the Interested Party. The Interested Party (Mr. Duane Tschappat) was not present.

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

**Decision Case #2016-12** – Ms. Williams made a motion to approve the request because:

1. The proposed use and variances will improve the return on the property.
2. The community center serves youth that are younger than driving age, so off-street parking is not essential.
3. The proposed use and variances will not alter the character of the neighborhood.

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

**Public Hearing #2016-13 - Request from Daniel Herr for a variance of two feet of the three foot setback requirement for an accessory structure in a rear yard on an R-2 (one family residence) district at 3011 37<sup>th</sup> Avenue.**

Mr. Fries presented the staff report. He explained the Zoning Ordinance requires a 3 foot setback from a neighboring property line for an accessory structure in a rear yard in a residential zoning district (Section 8.5A). The applicant proposes to maintain an accessory pump-house structure (6' x 6') for a swimming pool in the north rear yard.

Staff received a complaint regarding an accessory deck that was being constructed too close to the west property line. In meeting with the applicant, it was also identified that the existing pump-house was also too close to the northern and western property lines. The applicant is in the process of moving the part of the deck that is too close to the line, but indicates that it would be difficult to move the pump-house because of all the equipment in it that is needed to heat the swimming pool. The plastic pump-house is located adjacent to two 6-foot privacy fences approximately one foot from each property line.

Chairman Snyder called for proponents.

Daniel Herr, 3011 37<sup>th</sup> Avenue, was sworn in. He said one of the two privacy fences adjacent to the subject accessory structure belongs to him and the other belongs to a neighbor.

Chairman Snyder asked how long has the accessory structure been there. Mr. Herr replied approximately one year.

Ms. Williams asked if the accessory structure was made of plastic. Mr. Herr replied that it was and that it was maintenance free.

Chairman Snyder called for opponents.

Mindy Diaz, 3601 30<sup>th</sup> Street, was sworn in. She said that there have been more and more structures on the subject property and that since the swimming pool has been put up there have been some drainage issues on her property. She identified a drain located near the rear of the subject property that she believes has been covered up. She submitted some photos of the fence and volleyball net located near a deck by the swimming pool location and said it is unsightly.

Chairman Snyder called for a rebuttal.

Mr. Herr said the swimming pool is up and meets city codes and he needs a pump house for the pool. He said the City the City did some storm water work to the north of his site and changed the flow of the drain on his property and there has not been any issues since that change. He said he put the volleyball net up so that when his children play in the pool it keeps the ball out of Ms. Diaz yard.

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

**Decision Case #2016-13** – Mr. Day made a motion to approve the request because:

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

Mr. McAdam seconded the motion.

Chairman Snyder said he has concerns that the location of the accessory structure does alter the character of the neighborhood.

Ms Williams said the accessory structure is not the problem the pool and deck have likely caused more of the drainage issues.

Mr. McAdam said he is convinced the work the City did with the drainage has solved the drainage problem. He noted that with the heavy rains this past afternoon many City catch basins were over flooded for awhile.

Ms. Williams agreed and again said that the small pump house accessory structure is not the

problem on the site.

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

**Public Hearing #2016-14 - Request from Second Baptist Church for a special exception to approve an authorized use and variances from the landscape requirements for a lighted accessory parking lot in an R-3 (one and two family residence) district at 1001, 1005, 1009 and 1013 6<sup>th</sup> Avenue and 517 10<sup>th</sup> Street.**

Mr. Fries presented the staff report. He explained the Zoning Ordinance requires Board authorization for an accessory parking lot (Section 14.4 [F]) and 6 canopy trees along with other landscape covering within ten-foot areas along a front yard and five-foot areas along side and/or rear yards (Section 36.5). The applicant proposes to construct a 30-space, lighted accessory parking lot on the site.

The church has obtained the five properties (some of the parcels from the City) and desires to locate the accessory parking lot across from the church. The church has been allowed to do some grading and other preparation work for the parking lot knowing that it is at their own risk prior to the Board's decision on the special exception and variance request.

The 30 space parking lot will be improved with asphalt and have one access point off of 10<sup>th</sup> Street. There will not be an access point to the alley to the east of the site. The church is looking at adding lighting, but it has no details at this time. Any proposed lighting would be required to meet Zoning Ordinance requirements for illumination levels at property lines and be directed away from neighboring properties. The church is proposing low level shrubs along the ten-foot area off of 10<sup>th</sup> Street. No other landscaping is proposed because the church is also interested in obtaining other properties to the north of the site.

Chairman Snyder called for proponents.

Bryon Tyson, 919 6<sup>th</sup> Avenue, was sworn in. He said the church has approximately 450 members and has existing parking for only 125 vehicles. He said that the existing parking space accommodates church members most of the time, but it is not adequate when there are weddings, funerals or other large events at the church. He said there currently is a large convention at the church and many people are having to park along adjacent streets in the neighborhood.

He continued by saying that the church spent approximately \$120,000 to acquire the subject properties and intends to do landscaping for the parking lot. He added that they want to wait until they find out if they can also obtain the property to the north of the subject site to add additional parking that will double the proposed lot from 30 spaces to 60 spaces.

Mr. Day asked if there are any storm water issues for the proposed parking lot. Mr. Tyson said

there have a lot of grass area on the perimeter of the site that storm water can run off on.

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

**Decision Case #2016-14** – Mr. McAdam made a motion to approve the request because:

1. The proposed variances will provide additional parking for church and community activities.
2. The proposed variances will not alter the character of the neighborhood.

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

**Public Hearing #2016-15 - Request from Tom and Karen Long for a variance of 8 feet of the 25 foot front yard setback requirement in a rear yard on an R-2 (one family residence) district at 3204 25<sup>th</sup> Street.**

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a 25 foot front yard building setback in an R-2 zoning district (Section 15.5). The applicant proposes to construct an attached open deck (14' 4" x 8') in the east front yard.

The applicant has removed existing front yard steps and has been allowed to begin some site work for the proposed deck, knowing that it is at their own risk prior to the Board's decision on the variance request. There are several homes to the south of the site that have a roof overhang or awning over its front step area, but there are no open decks or porches. The proposed open deck will extend to within 17 feet of the east property line and will provide an outdoor seating area for the applicants. Staff does not believe the proposed deck will impair visibility up and down the block.

Chairman Snyder called for proponents.

Tom and Karen Long, 3204 25<sup>th</sup> Street, were both sworn in. Ms. Long said they had a concrete stoop on the front of their residence that they wanted to put railings on it, but when they began the work they realized that the existing stoop concrete was in bad condition. She said they have removed the whole stoop and now proposed the deck. She said they have a disabled son and older parents, so they the proposed deck will have adequate railings for them to use.

**Decision Case #2016-15** – 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. McAdam seconded the motion, and it passed unanimously.

**Public Hearing #2016-16 - Request from Zachariah Shannon for a variance of 4 feet of the 6 foot setback requirement from an alley property line and a variance of 3 feet of the 3 foot setback for an accessory structure in a rear yard in an R-2 (one family residence) district at 2201 26<sup>th</sup> Street.**

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a 6 foot setback from an alley property line and a 3 foot setback from neighboring property lines for an accessory structure in a rear yard in a residential zoning district (Section 8.5A). The applicant proposes to reconstruct a detached garage (20' x 26') in the east rear yard.

The applicant had to remove an existing 20' x 20' detached garage at the same setback location due to a tree falling on the structure. That former garage was also located adjacent to the south property line and approximately two feet from the easterly right-of-way line of 27<sup>th</sup> Street (identified as 27<sup>th</sup> Street, but visibly serving more as an alley). This proposed location is approximately two feet closer to 27<sup>th</sup> Street than garages located to the south of the subject site, but it is approximately the same location as the former garage. The applicant indicates that they seek the variances to be able to reuse the existing driveway access off of 22<sup>nd</sup> Avenue.

Chairman Snyder called for proponents.

Zachariah Shannon, 2201 26<sup>th</sup> Street, was sworn in. He said that on May 10<sup>th</sup> of this year a tree located on the public right-of-way fell onto his existing garage significantly damaging it so it needed to be removed and replaced. He said the proposed garage will be located a little more into his rear yard, but will keep the same setbacks from 27<sup>th</sup> Street to the east and his neighbor to the south. He said that if he required to meet all current zoning regulations he would have to modify his existing driveway. He said he has talked to his neighbors and they expressed no objections to the variance request.

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

**Decision Case #2016-16** – Mr. Day 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. McAdam seconded the motion, and it passed unanimously.

**Other Business:**

Mr. Fries informed the Board that Ben Griffith has taken a position in North Carolina. He said that is one case for the August regular meeting. He then reminded Board members to be mindful of any *ex parte* communications and to contact the Planning Office with any questions.

**Adjournment:**

Chairman Snyder adjourned the meeting at 7:50 p.m.

Respectfully submitted,

Alan Fries, Acting Secretary  
Rock Island Board of Zoning Appeals