

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

Regular Meeting

7:00 p.m.

March 9, 2011

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| 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 checked="" type="checkbox"/> Larry Tschappat |
| | <input checked="" type="checkbox"/> Gary Snyder | <input checked="" type="checkbox"/> Robert Wild |
| | <input type="checkbox"/> 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 February 9, 2011 meeting. Mr. Tschappat seconded the motion, and it passed unanimously.

Procedural Explanation - Chairman Snyder explained the procedure to be followed for the public hearing. He said there were two Interested Party Statements submitted for Case #2011-03 (Don and Mara Adams of 2811 24th Street and Elizabeth Eagle, attorney representing Jack J. Boccarossa, Trustee of the Joseph Boccarossa Trust for 2418 28th Avenue) and one submitted for Case #2011-07 (Terrence Tilka, owner of 1815 2nd Avenue).

Public Hearing #2011-03 - Request from Jordan Catholic School for a special exception to expand an authorized use, a variance of 12 feet of the 20 foot separation requirement between a school and a residential zoning district adjacent to 2811 24th Street and a variance of five feet of the 20 foot separation requirement between a school and a residential zoning district adjacent to 2418 24th Avenue in an R-2 (one family residence) district at 2901 24th Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires Board authorization to expand an authorized use in a residential zoning district and a 20-foot separation from a school and adjacent residential zoning (Section 15.3). The applicant proposes to construct two attached one-story additions (92' x 74' and 48' x 122') in the north side yard and an attached one-story addition (22' x 44') in the west front yard.

The applicant will remove the existing single-family residence located at 2817 24th Street and consolidate that lot with the large parcel where the elementary school is located. The approximate 9,563 square foot one-story northwesterly addition will extend into this former residential parcel to within eight feet from the north property line. A four-foot tall chain link fence will be located adjacent to the proposed addition along the north property line. This addition will also extend approximately 41 feet to the west from the existing western building façade (maintaining a 28-foot west front yard and exceeding the 25-foot minimum by three feet). This addition will include classrooms and computer and science labs that will accommodate 110 new 7th and 8th grade students who will be transferred from an existing school location in Milan (see attached floor plans and building elevations for all three proposed additions).

The 5,856 square foot addition off the north end of the gym area of the existing school will extend to within 15 feet from the property line adjacent to 2418 24th Avenue (an existing detached garage currently located in this area will be removed). The proposed one story addition will include a music, art and multi-purpose room that will be used by all of the 430 students of the school.

The proposed 968 square foot one-story addition off the west entrance will include a new principal's office and lobby area. This addition will extend 22 feet out from the existing west exterior wall and will maintain an approximate 48-foot west front yard.

School officials have indicated that they will meet with neighbors prior to the Board meeting to discuss the expansion and answer questions and/or concerns.

A landscape plan had been submitted prior to the meeting identifying a chain link fence and a row of arborvitae trees along the north property line adjacent to 2811 24th Street and several Crab Apple trees and bushes along the north property line adjacent to 2418 24th Avenue.

Chairman Snyder called for proponents.

Jeff Dismer, 3401 South Shore Drive in Moline and architect for the project, was sworn in. He commented on building elevations and landscaping that had been submitted to staff prior to the meeting. He said the proposed additions will be one story with no basements and will have an exterior matching the existing school. He said that all roof water will drain into the City storm sewer system and that will be an improvement to the situation at the site now as water currently drains from the roof to the surface grade.

Chairman Snyder asked if there will be a gate to the proposed chain link fence on the north property line. Mr. Dismer replied that there will not and that the only entry point to the building addition on the north façade will be a required emergency exit.

Chairman Snyder then asked if either of the Interested Parties would like to cross-examine the applicant.

Both Interested Parties declined.

Chairman Snyder called for opponents.

Don and Mara Adams, 2811 24th Street were both sworn in. They asked if the Board has already approved the request.

Chairman Snyder replied that they have not.

Mr. Adams said that the St. Pius Parish Newsletter has indicated that the school has already opened bids for the project.

Chairman Snyder said that the Board cannot control what is written in the church newsletter, but stated again that the Board has not already approved the request.

Ms. Adams said that they have talked to realtors who have indicated to them that their property value will decrease based on the close proximity of the proposed addition to their residence. She said there is a high water table in the area and that no architect can guarantee to them that they will not get water in their basement base on the proposed construction of the addition. She said they could not come to the meeting with school officials and the architects due to a family issue, but she did talk to the School Director of development at another time.

Mr. Adams said that the addition's height is formidable due to the topography of the subject site in relation to their property.

Chairman Snyder asked how far their residence is from the property line they share with the school. Mr. Adams replied approximately 30 feet.

Ms. Williams asked how they feel about the proposed chain link fence location. Mr. Adams replied that they already have a chain link fence, but they are in favor of a new school fence to keep students on the school property.

Ms. Adams said they do not want the tall green area of arborvitae trees along the property line. She added that they would prefer a lower building and low level landscaping.

Mr. McAdam asked what they would prefer as far as the building location. Mr. Adams replied to flip the building to be located next to the detached garage by the Church Rectory, or construct the addition on the west side of the existing school building along 24th Street. He added that low level offices could be then constructed on the north side of the subject site.

Ms. Adams added that the school did soil drilling and it resulted in the design changing to have a larger footprint for the proposed addition that was closer to their property. She added that the elevation design had also changed from what they previously understood it would be. She said the original roof line was similar to the existing school roof line.

Ms. Adams said that when they replaced a driveway on their property they needed to have an end-loader do some excavation work and the ground was wet after doing the digging.

Elizabeth Eagle, Attorney representing Jack J. Boccarossa, Trustee of the Joseph Boccarossa Trust for 2418 28th Avenue, was sworn in. She said many of their concerns have been identified already such as the negative effects on property value. She added that there are many other places on the school property that the addition can be constructed that will not be close to residents homes. She said that there have not been any engineering reports submitted to verify that there will not be a water and drainage issue on adjacent properties as a result of the addition. She added that once the addition is completed it will be more difficult to fix any water problems in the area. She said that she would like the Board to view the site before making any decisions. She then asked if overhead utility lines will need to be moved due to the proposed construction work.

Chairman Snyder said that Board members do look at the site prior to the public hearing, but that he also would like to see the neighbors and architects meet to discuss the issues brought up tonight. He then asked for a rebuttal from the applicant.

Mr. Dismer had Mike McNeil from his architect's office and Janine Holloway Parr from the Jordan Catholic School also come up with him to comment of the issues brought up by neighbors.

Mike McNeil, 2550 6th Street Court in East Moline, was sworn in.

Janine Holloway Parr, 2166 10th Avenue Place in East Moline, was sworn in.

Mr. Dismer said that there were geo-tech soil borings done on the site and it was determined that there is not an underground spring, but that the water table is 18 feet below grade on the subject site. He said they had originally wanted to construct a basement for the addition, but due to the high water table they will construct a shallow foundation that the soil can support. He said that all the water runoff from the site will go into the City's storm sewers.

Mr. McAdams asked what the moisture level was of the soil borings. Mr. Dismer replied that the soil was made up of clay with silt deposits.

Mr. McAdam then asked what the foundation load was for the addition. Mr. Dismer replied that it was less than City Code requirements according to their engineer Missman Stanley and Associates.

Chairman Snyder asked if they asked their engineer how the proposed addition would affect neighboring properties. Mr. Dismer replied that he cannot specifically state it in those terms now, but they can get an opinion from their engineer and also make all the soil borings available.

Ms. Williams asked about proposed lighting for the addition. Mr. Dismer replied that there were no lights proposed for the two north additions, but were located on the easterly facades facing downward over doorways.

Mr. Day asked where the existing drainage from the roof goes to. Mr. McNeil replied that all the water from the roof currently is directed to the subject site, but the proposed addition will drain roof water runoff directly into the City's storm sewers.

Mr. Dismer said that they have changed the roof pitch to reduce the height of the addition. He said the previous plan had a taller roof pitch. He also said that they would sit down with neighbors to determine the preferred fencing for the site.

Mr. Wild asked about relocation of power lines. Mr. McNeil replied that the electric line will not change, but one transformer will need to be relocated.

Mr. Dismer said the school purchased the subject property with the plans of using it for expansion because classroom additions on the north end of the existing structure fit with the current circulation of the school. He said relocating the new classrooms near to Farrell Hall would not fit the school circulation plan and reminded the Board that Farrell Hall is a part of St. Pius Church and not the school.

Mr. McNeil said it is better for school security to keep the classrooms in proximity to each other.

Mr. Tschappat asked with the height of the proposed addition would be in the northwest corner of the

structure. Mr. Dismer replied that it was a step down approach because they did not want a tall ceiling height in the classrooms. He said they wanted to keep the height as compact as possible, but there will be air conditioners in the ceiling also.

Ms. Janine Holloway Parr said she sent letters and called neighbors about meeting with school officials and observing plans at the school office. She said Mr. Boccarossa called and said he would be coming to the school on Tuesday to look at the plans, but has not come yet.

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

Decision Case #2011-03 – Ms. Williams a motion to defer the request until the April 13, 2011 regular meeting because:

1. The Board wanted the applicant and neighbors to have additional time to meet and discuss possible revisions to the proposed request and site plan.

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

Mr. Carmen said that the City would send out notices to neighbors regarding the next meeting date.

Chairman Snyder called for a five minute recess.

Public Hearing #2011- 06 – **Request from Kevin Peschang for a variance of one parking space of the four parking space requirement for a retail TV repair business in a B-4 (highway business) district at 4529 11th Street.**

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires one parking space for every 200 square feet of retail floor area and one space for every two employees on a maximum shift (Section 8.14D). The applicant proposes to use the former residential structure for business storage and office space and convert the two and one-half car attached garage into a retail TV repair space with one employee, while maintaining three off-street parking spaces adjacent to the garage.

Currently, the applicant operates his TV repair and sales business out of B-4 commercial property directly to the south of the subject property. He has leased the subject property as housing space for some time and now has decided to relocate and “down-size” his business to the subject garage. The Zoning Ordinance requires four off-street parking spaces based on the area of the garage and one employee for the business. There is adequate space to provide three usable parking spaces to the east of the garage.

The applicant indicates that since he will still own the property to the south (his intention is to lease that space), he can park his business vehicle on that lot (which has considerably more parking space) and maintain all three spaces on the subject lot for his customers.

Chairman Snyder called for proponents.

Kevin Peschang, 8125 85th Avenue Street Court West in Milan, was sworn in. He said that he had

nothing to add to the staff report presentation, but thanked the Board for consideration of his request.

Mr. Tschappat asked what was going to do with his old business location. Mr. Peschang replied that he hopes to lease the property to another business.

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

Decision Case #2011-06 – Mr. Tschappat 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 #2011- 07 – **Request from Gregg Brandyberry for a variance to allow living space for two dwellings on the entire first floor of a business zoned property in a B-2 (central business) district at 1810/1812 2nd Avenue.**

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires that any living space in a business zoning district be above a first floor commercial space (Section 26.2). The applicant proposes to locate residential living space in mixed use occupancy (combination personal office and living space) on the first floor of the structure.

In 2009, the Board approved a variance creating first floor living space for two units in the rear of the commercial area and a second floor dwelling space for one of the two residential units. There were also two first floor 20' x 50' storefront spaces off of 2nd Avenue for either retail or office uses.

The applicant now desires to have the entire first floor area be residential, with the prospect of it also being a home office or live/work arrangement. Primary access to the two dwelling units will be from the private alley to the south, with additional access from the Great River Plaza.

Staff believes that the proposed residential space is an innovative living arrangement that creates downtown housing that is consistent with the Downtown Strategic Plan (2007), RiverVision Plan (2004), the City of Rock Island Consolidated Plan and the State of Illinois' Comprehensive Housing Plan.

Chairman Snyder called for proponents.

Gregg Brandyberry, 1816 2nd Avenue, was sworn in. He said that he has lived downtown for a year and has been an active supporter of downtown revitalization by investing a large amount of finances into his building. He said there is a lot of empty office space downtown and is requesting the variance to allow more flexibility in marketing of the subject property.

Chairman Snyder then asked if the Interested Party (Terrence Tilka) would like to cross-examine the applicant.

Mr. Tilka declined.

Chairman Snyder called for opponents.

Terrence Tilka, 3085 Stillwater Court in Bettendorf and owner of business at 1815 2nd Avenue, was sworn in. He acknowledged the great work Mr. Brandyberry has done to his building but expressed fears that additional first floor residential space on the Plaza will negatively affect his business and concerts he is involved with on the Plaza. He said that he has invested a lot of money in outside events and he does not want the potential of any extra liabilities due to having more first floor residential space on the Plaza. He said that there could be issues with fence locations for Downtown events in relation to the access doors for the subject properties and also complaints about noise during concerts. He said there could also be parking issues for residents and his employees.

Mr. Carmen said that the five foot space allowed for fence location during Downtown events should meet the Code requirement for adequate access in and out of the first floor residential space on the subject property.

Chairman Snyder called for a rebuttal by the applicant.

Mr. Brandyberry said that he has adequately soundproofed his building and has adequate parking in the private alley behind his building and in rented spots in the Wells Fargo Bank lot to the east of the subject property. He added that living in the downtown area is unique and he will look for potential tenants that are aware of all the issues that go along with living downtown. He added again that he wants more flexibility in leasing his structure to include the possibility of residential/office space arrangement.

Decision Case #2011-07 – Mr. Wild 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.

Chairman Snyder expressed appreciation and respect for all the work Mr. Tilka has done in Downtown Rock Island.

Ms. Williams said that she trusts the applicant will find the right type of tenant to live in the downtown site at the subject property.

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

Chairman Snyder adjourned the meeting at 9:15 p.m.

Respectfully Submitted,

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