

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

Regular Meeting

7:00 p.m.

May 11, 2011

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

Staff Present: Alan Carmen, Alan Fries

Vice-Chairman McAdam called the meeting to order at 7:00 p.m. He said Case 2011-14 had been deferred until the regular July 13 meeting by request of the applicant.

Approval of Minutes – Mr. Tschappat made a motion to approve the Minutes of the April 13, 2011 meeting. Mr. Wild seconded the motion, and it passed unanimously.

Procedural Explanation – Vice-Chairman McAdam explained the procedure to be followed for the public hearing.

Public Hearing #2011-15 - Request from Mike Stevens for a variance of three feet of the eight foot side yard setback requirement in an R-2 (one family residence) district at 2070 30th Street.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that two-story residences in an R-2 zoning district have a minimum side yard setback of eight feet (Section 15.5). The applicant proposes to construct a second floor on an existing one-story residence.

The proposed second floor addition will add more bedroom space to the 1,092 square foot one story residence. The addition will be constructed directly over the first floor, not enlarging the existing house footprint beyond the current exterior walls. Currently, the north side yard setback is five feet from the north property line (this is non-conforming since six feet is required for a one-story structure in an R-2 zoning district). The existing south side has a driveway leading to a rear yard garage and meets the 12-foot setback needed for the 20-foot total sum of side yard requirement for a two-story structure identified in the Zoning Ordinance.

If the applicant chose to construct a one-story addition in the west rear yard instead of the two story addition it would also likely need a variance due to the six-foot separation requirement between the edge of any addition and the detached garage and the 30-foot rear yard setback requirement.

The house to the north is located on a double lot and there is a new attached garage being constructed adjacent to the subject property. There is still a large side yard setback (approximately 30 feet), so the proposed variance on the subject property will not have a negative effect on the adjacent neighbor or other residential properties in the area.

Vice-Chairman McAdam called for proponents.

Mike Stevens, 2070 30th Street, was sworn in. He presented elevation drawings for the request and said the addition was needed to add more bedroom space for his growing family.

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

Decision Case #2011-15 – Mr. Tschappat made a motion to approve the request because:

1. The proposed addition will improve the return on the property.

2. The proposed addition will not alter the character of the neighborhood.

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

Public Hearing #2011- 16 – Request from Steve Schroder for a special exception to authorize a freestanding sign for a commercial use in an R-3 (one and two family residence) district.

Mr. Fries presented the staff report. He explained that the Sign Ordinance requires to approve a freestanding sign for a commercial use in a residential zoning district (Section 6{a} {7}). The applicant proposes to either erect a new non-illuminated freestanding sign 10 square feet in area (25.5” x 56.5” and 49.5” in height) three feet from the property line; or a new larger non-illuminated freestanding sign approximately 14 square feet in area (25.5” x 84” and 49.5” in height) ten feet from the property line in the north front yard.

The previous freestanding sign fell down following a storm and was stolen. The applicant desires to locate a similar size sign (approximately ten square feet in total area and four feet in height) that also will not be lighted and will be set back approximately three feet from the front property line. If the Board does not consider the closer setback acceptable, he desires for the Board to consider a slightly larger sign (approximately 14 square feet in area and four feet in height) that also will not be lighted to be located ten feet from the property line. The approximate four-foot height is similar to the height of the former sign. The sign will be set perpendicular to 18th Avenue so that it can be seen from traffic moving in both directions.

Staff believes that the smaller sign set back three feet from the north property line is more desirable than a larger sign set back ten feet from the property line.

Mr. Tschappat asked why there were two options in the request. Mr. Fries replied that the applicant had asked for the Board to consider both and choose what would be more acceptable.

Vice-Chairman McAdam called for proponents.

Steve Schroeder, 3305 33rd Avenue Court, was sworn in. He said that he would prefer the smaller sign at the same location that his previous sign was located. He said there is an adjacent house that is located closer to the street that would block the sign if it was setback the full ten feet required by the Sign Ordinance.

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

Decision Case #2011-16 – Ms. Williams made a motion to approve the request for the ten square foot freestanding sign to be set back three feet from the north property line because:

1. The proposed smaller sign will improve the return on the property.
2. The lot is a corner lot with two front yards.
3. The proposed smaller sign will not alter the character of the neighborhood.

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

Public Hearing #2011- 17 – Request from Justin Swanson for a variance of three feet of the six foot side yard setback and a variance of 26 feet of the 30 foot rear yard setback in an R-3 (one and two family residence) district at 4547 14th Avenue.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a minimum side yard setback of six feet and a minimum rear yard setback of 30 feet in an R-3 zoning district (Section 16.5). The applicant proposes to construct a building addition (605 square feet living area and 814 square foot garage) in the west side yard and north rear yard.

The applicant will remove the existing two-car detached garage on the property. He desires to add additional bedroom space to the one-story house by expanding the living area north and west and constructing a new attached two-car garage at approximately the same location as the existing garage (three feet from the west property line). The house addition will also be in-line with the new attached garage (three feet from the west property line). The privacy fence on the property belongs to the applicant. He also hopes to save as many as possible of the evergreen trees that are along the west property line.

Vice-Chairman McAdam called for proponents.

Justin Swanson, 4547 14th Avenue, was sworn in. He said that he needs the addition to add more bedroom, bathroom and garage space to his home, so they can remain in the neighborhood without having to move. He said the proposed two car attached garage will be the same size as his existing two car detached garage.

Mr. Tschappat asked if there was also an additional one car attached garage proposed. Mr. Swanson replied that there was.

Christine Brown, 4539 14th Avenue, was sworn in. She said that the Swanson's are wonderful neighbors and that she supports the variance request.

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

Decision Case #2011-18 – Mr. Wild made a motion to approve the request to allow the 28-foot long segment of six-foot fence requested by the applicant because:

1. The proposed variance will improve the return on the property.
2. The lot is a corner lot with two front yards.
3. The proposed variance will not alter the character of the neighborhood.

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

Public Hearing #2011- 18 – Request from South Park Presbyterian Church for a variance of six inches in height from a previously approved variance allowing a 2.5 foot tall lighted freestanding sign in an R-3 (one and two family residence) district at 1501 30th Street.

Mr. Fries presented the staff report. He explained that Sign Ordinance requires that freestanding signs for churches in residential zoning districts not be lighted, not exceed one freestanding sign and not exceed 30 square in area and six feet in height (Section 6 [a] [6]). The applicant proposes to locate a three-foot tall lighted granite freestanding sign (2' x 10') ten feet from the northwest corner of the property.

The applicant desires to replace a former wood freestanding sign located at the same location (approved in 1988) with the proposed slightly taller granite monument sign (this would be the third freestanding sign on the property). The proposed one-sided sign will face to the west and be set back at least ten feet from all lot lines. The proposed sign will be the same area as the previous approved wood sign, but will be six inches taller than what was approved in 1988 (variance is required since proposed sign is taller than previously approved sign).

There is an existing flood light that currently lights part of the church's western exterior facade. It will also be used to shine light on the proposed sign. Since the sign will be located closer to residences than the church structure, staff recommends that the light be set on a timer to turn off at 10:00 p.m.

Vice-Chairman McAdam called for proponents.

Roger McKee, 4607 25th Avenue, was sworn in. He said that the proposed granite sign will be an attractive addition that will better identify the church. He said that an existing freestanding sign located at the southwest corner of the church property has small lettering and does not identify the church adequately.

Mr. Wild asked if he has a problem with the light on the sign being set on a timer to turn off at 10:00 p.m. Mr. McKee said he did not.

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

Decision Case #2011-18 – Ms. Jalloh made a motion to approve the request without the stipulation for the timer on the light for the sign because:

1. The proposed sign will better identify the church and it is similar to the previously approved sign.
2. The lot is a corner lot with two front yards.
3. The proposed sign will not alter the character of the neighborhood.

Mr. Day seconded the motion.

Mr. Tschappat agreed with the motion without the sign light stipulation because the area is already lighted due to the business to the north.

Ms. Williams said that if the light bothered neighbors, she believes that the church would turn it off at night.

Vice-Chairman McAdam called for a vote on the motion to approve the request without the sign light set on a timer stipulation, and it passed unanimously.

Public Hearing #2011- 19 – **Request from Maciek Wojtas for a variance of 230 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 822 29th Street.**

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

The structure has been previously used as a four or five unit building. The applicant has purchased the property desires to convert it into a single-family structure and lease to four to five unrelated individuals. There are three Unrelated Group Family Uses identified on the case map located within 300 feet (the closest is 70 feet away and located at 2836 8th Avenue).

The Zoning Ordinance requires two improved parking spaces for Unrelated Group Family Uses. There is not a parking area on the site. The applicant intends to locate an improved two-space parking area in the west yard with access off 8-1/2 Avenue.

Downsizing from a four to five unit structure reduces the density in the predominant single-family neighborhood. Renting to a family, or not more than three unrelated tenants, is in the best interest of the neighborhood. 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.

Maciek Wojtas, 2532 George Street in Franklin Park, Illinois, was sworn in. He presented proposed floor plans for renovation of the structure, which had five units and a bedroom in the basement with only one bath. He said it has been vacant since 2008. And that he intends to convert it into a large single unit for four to five Augustana students to reside. He said that he has talked to neighbors and there is no objection to what he plans to do. He said that he needs to have more than three student residents to justify the finances he will be spending on improvements to the building. He said that he will improvements to the electric, plumbing, HVAC and windows of the property. He said he will add parking off of 8 ½ Avenue. He added that when the house is finished it will be an improvement to the

neighborhood.

Mr. Tschappat asked if the house can be renovated for only four individuals since he is only proposing to have four bathrooms in the renovated space. Mr. Wojtas replied that there is sufficient space for five bedrooms and that many houses only have one or two bathrooms for a one unit structure.

Mr. Wojtas said that he was an Augustana College student and graduated in 2009. He added that he has talked to people affiliated with Augustana and they indicated to him that there was a shortage of housing for students. As no one else wished to speak, the public hearing was closed.

Decision Case #2011-10

Mr. Tschappat said he believes that the house can better support four rather than five students since there will be only four bathrooms.

Mr. Day said the applicant will be putting more bathrooms in the building than there are currently.

Ms. Williams said that the house can work with only four bathrooms because students will not all have the same schedule.

Mr. Carmen said that the provisions in the Zoning Ordinance allow for four to five unrelated individuals for an Unrelated Group Family Use and that the Housing Code is used to determine if there is adequate bedroom space for four or five individuals in a particular structure.

Mr. Wild said that there have been no objections from neighbors.

Vice-Chairman McAdam said that structure is located on a small hill on the corner somewhat by itself and away from neighboring properties.

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.

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

Public Hearing #2011- 20 – Request from Dave Parochetti for a variance of four feet of the six foot landscaped bufferyard requirement between a new commercial use in a B-3 (community business) district and an adjacent R-3 (one and two family residence) district at 3825 18th Avenue.

Mr. Fries presented the staff report. He explained that zoning ordinance requires that B-3 zoned commercial uses adjacent to R-3 zoning have a six-foot wide bufferyard with a continuous hedge or fence (Section 36.6). The applicant proposes to provide a two-foot landscaped bufferyard in the north rear yard.

The applicant proposes to construct a 4,056 square foot commercial structure on the site. The proposed one-story structure would have up to three separate commercial uses (one or two may be food service with one having a drive-through lane (see attached site plan)). The proposed structure meets the setback and parking requirements for a B-3 zoning district, but the applicant desires to reduce the north yard landscaped bufferyard from six feet to two feet to provide space for an outside eating area along the north façade of “unit A” (which would be one of the food service businesses).

The applicant indicates that since there already a privacy fence located on the property to the north he will not locate another privacy fence on the subject property, but would locate a continuous hedge within the two-foot wide bufferyard area.

Staff believes that the reduced two-foot wide bufferyard is inadequate for the property to the north and the proposed continuous hedge could be subject to damage from the front overhang of parked vehicles (two feet is a small area to attempt to grow an adequate hedge).

Vice-Chairman McAdam called for proponents.

Dave Parochetti, 4123 24th Avenue in Moline, was sworn in. He said that the previous request was for a relocation of a Taco Bell Restaurant and now this request is for a food service business that will close at 10:00 p.m. He said other than the bufferyard variance, everything else complies with Zoning Ordinance requirements. He said the reduced bufferyard space on the north side of the development is needed to provide space for an outdoor eating area along the north façade of the food service business space in the proposed structure.

Vice-Chairman McAdam asked if he would consider reducing the parking space aisle width two feet in order to provide two more feet width in the north landscaped bufferyard. Mr. Parochetti replied that he could look at that and it may not be a problem since there is only one row of parking on the north side of the development.

Vice-Chairman McAdam also suggested changing the parking to angle parking to see if it will create more room for landscaping. Mr. Parochetti said that may create problems if people drive the wrong way in the parking area and crash into vehicles pulling out of the angled spaces.

Vice-Chairman McAdam called for opponents.

Tom Wakeland, 1716 ½ 39th Street, was sworn in. He said that he has lived on the second floor of the building at 1716 39th Street for 17 years and been involved in the operation of his business on the first floor for 27 years. He said the parking area is too close to the property line and that the bufferyard should be maintained as required by the Zoning Ordinance. He said the site does not provide adequate room for snow removal and that 39th Street is not wide enough to accommodate additional traffic. He noted his employee's park on 39th Street. He said he never thought he would see the day that the church and adjacent residence would be gone and the area changing so much.

Mr. Tschappat asked if he thought there was a compromise that he would accept and allows the business to develop on the subject site. Mr. Wakeland replied that he believes that the six foot bufferyard needs to be maintained.

John Brixley, 1553 39th Street, was sworn in. He said he has lived at that property all his life and has owned it for the last 35 years. He said that the proposed development on the site does not have adequate parking and will create lighting, water drainage and congestion problems along 39th Street. He added it will ruin his neighborhood.

Sergei Czerewko, 1602 39th Street, was sworn in. He said that he agreed with the comments about snow, noise, lighting and parking problems and that the subject lot is not large enough to accommodate the development with three commercial spaces. He said that a two foot wide area is also not adequate to accommodate landscaping and that the fence on the north side of the property could be damaged like the fence behind the Taco Bell has been damaged.

Vice-Chairman McAdam called for a rebuttal.

Mr. Parochetti said that the site plan meets City parking requirements and that he will also have cross easement parking agreement with owners of the Advance Auto Parts property. He said the property is already zoned for commercial use and the only variance is needed is for the bufferyard width. He said that the outside eating area that the variance will allow for will enhance the property and the food service business. He said the fence at Taco Bell has been hit a few times due to erratic driving in the 17 years that it has been there, but that has not occurred much. He said that snow removal could be taken care of by having it hauled away.

Vice-Chairman McAdam asked if he has a cross easement parking agreement already. Mr. Parochetti replied that he

did. He added that the angle parking would not get much more width for the bufferyard (5.5' in total), but would eliminate parking spaces to do so.

Mr. Carmen said that reducing the number of parking spaces on the site could require a parking variance from Zoning Ordinance standards.

Mr. Parachetti said he could accept a four foot wide landscaped area and reduce the aisle width two feet, keeping the ninety degree parking spaces rather than angled spaces.

Vice-Chairman McAdam asked if the Board could consider the reduced variance request from a four foot variance to a two foot variance. Mr. Carmen replied that the Board could consider a reduced variance request that allowed more landscaped space on the north side of the subject site.

Mr. Brixley asked if he could speak again.

Mr. McAdam re-opened the hearing to allow Mr. Brixley to speak.

Mr. Brixley said that there will not be enough parking and the Board is not dealing with that issue.

Mr. Fries the development meets parking requirements in the Zoning Ordinance based on net square feet, which is what the Ordinance bases parking standards on. He added that Mr. Parochetti also testified that he has a cross easement parking agreement with the owners of the Advance Auto Parts Store property.

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

Decision Case #2011-20 – Mr. Day made a motion to approve a revised request for a variance of two feet of the six foot side bufferyard requirement 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, and it passed unanimously.

Public Hearing #2011- 21 – **Request from John Ostrom for a variance of ten inches of the 15'4" average front yard depth in an R-3 (one and two family residence) district at 419 18 ½ Avenue.**

Mr. Fries presented the staff report. He explained that the Zoning Ordinance allows for an average front yard to be taken on a block front within 150 of the subject property (Section 9.4). The average front yard was determined to be 15' 4" on this block. The applicant has removed an existing 9' 6" x 13' 6" enclosed porch and proposes to construct a 10' x 16' enclosed porch in the south front yard.

The existing enclosed porch was termite infested and needed to be removed. The proposed enclosed porch will extend six inches closer to the front property line and also be 2.5 feet wider. The remaining front yard will be 14.5 feet.

Vice-Chairman McAdam called for proponents.

David Griffin, 566 Oakwood Circle in Coal Valley, Illinois and representing Midwest Construction, was sworn in. He said that the new porch will be a little larger to accommodate a heated sitting area that will be an improvement to the neighborhood.

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

Decision Case #2011-21 – Mr. Tschappat made a motion to approve the request because:

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

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

Public Hearing #2011- 12 – Request from Cecil Pennington for a variance of three feet of the three foot setback requirement and a variance of four per cent of the 30 per cent area coverage of a rear yard for an accessory structure in an R-2 (one family residence) district at 2051 45th Street.

Mr. Fries presented the staff report. He explained that this case was deferred from the April 13th meeting because there was no one present at that meeting. He explained that the Zoning Ordinance requires that accessory structures have a three foot setback from property lines and not cover more than 30 per cent of a rear yard area (Section 8.5A). The applicant proposes to construct an attached carport addition (9' x 26') to an existing detached garage (26' x 28') in the east rear yard.

Currently, the applicant parks his boat/trailer on a concrete pad next to the garage. His desire is to provide some protection for the boat by constructing the open carport. There will be gutters along the carport to direct water away from the neighboring property. Staff believes that the carport will not alter the character of the neighborhood because it will be open and be only one stall.

Vice-Chairman McAdam called for proponents.

Robert Pennington, 2009 45th Street, was sworn in. He said that the camper and boat on the property have been removed, but there is still a vehicle that they desire to be under the carport off area and also that his parents can get into the garage via a covered area from the residence.

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

Decision Case #2011-12 – 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.

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

Vice-Chairman McAdam adjourned the meeting at 9:05 p.m.

Respectfully submitted,

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