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ZBA STAFF REPORT

Application/Case Number: VZ-23-003

Meeting Date: Wednesday, June 21, 2023 @ 9:00 a.m.

From: Kelly Humphrey, Zoning Investigator

Petitioner(s): Chad & Kristen Tucker

Owner: Chad Tucker

Location: The property address is 9306 143rd Street W, Taylor Ridge, IL 61284 and is legally described as PIN 15.31.201.007, Lot 7 Hillcrest Acres, Sheet 14, supplemental for 2008, Section 31, T17N R3W 4th PM, Hampton Township, Rock Island County, Illinois, containing approximately 7.43 acres.

Property Description: The petitioner owns 7.43 acres along 143rd Street West, a private roadway. The lot contains a house and multiple outbuildings. The eastern portion along 143rd Street West is relatively flat where the buildings are. It falls off to the West quite a bit in the wooded area.

Request: The petitioner is requesting a variance of section 3-2-8.4.A of the Rock Island County Code of Ordinances for a 3 foot variance of a 5 foot required side yard to retain the previously constructed pool as allowed in Section 3-2-6.0.G.1.

Proposal Summary: The petitioner wishes to retain the location of their previously constructed pool in the same location it currently sits. The petitioner has previously maintained what they thought was their property for the last 3 years up until most recently. A recent survey by a neighbor shows a discrepancy. When the pool was set, without a permit, they assumed the pool was on their property. They are requesting a variance that would allow the pool to sit 2 feet off the South property line, at its existing location.

*******PLANNING CONSIDERATIONS*******

Surrounding Zoning & Land Use: All of the surrounding lots are zoned R-1, Single Family Dwelling District and AG-2 General Agricultural District. There is farming to the South and West. The predominant use in the area is residential with some woodland and timber. This lot is part of Hillcrest Acres with Hillcrest Court 1st and 2nd additions to the east.

Land Use Plan: The Rock Island County Comprehensive Land Use Plan designates this area in the Rural setting. The Rural setting is intended to be a transition between agriculture and more urbanized residential development. Rural low-density residential development is characterized by single-family detached housing units in a rural setting on lots from one to five acres or more.

OFFICE OF ZONING & BUILDING SAFETY

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Suitability: Allowing this pool on the property would be suitable with the surrounding area. Pools are permitted accessory uses in residential districts.

Environmental Impacts: The environmental impacts will be minimal as the use of the property will not change or intensify. The area where the pool was previously built is flat and has little vegetation.

Transportation Impacts: Access/Egress is off 143rd Street West, a township road. The IDOT does not have a traffic count for this road. The impact of this request will be minimal to traffic. There are no known short or long-range transportation projects scheduled in the vicinity of the parcel. The pool does not obstruct traffic views.

*******STANDARDS*******

Rock Island County Code of Ordinances Section 3-2-6.0.F.1:

- a. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out; There are no limitations that would apply to the request.*
- b. *The conditions, upon which a petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification; The dispute between and neighbors and conflicting surveying information makes this unique.*
- c. *The purpose of the variance is not based exclusively upon a desire to make money out of the property; The use is for personal use.*
- d. *The alleged difficulty or hardship is caused by this Resolution and has not been created by any persons presently having an interest in the property; Until the dispute can be settled on the property line location the owner acted in good faith assuming they had met setbacks.*
- e. *The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; This type of use is allowed in this area, it just impedes in the neighboring property owners property lines.*
- f. *The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood; The proposal does not appear to adversely affect the adjoining properties*
- g. *The purpose of the variance shall not be to establish a use otherwise excluded from the particular district in which it is requested; This type of use is allowed in this area, it just impedes in the neighboring property owners property lines.*
- h. *The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards established in this Section.*