

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

Regular Meeting

5:30 p.m.

February 12, 2020

ATTENDANCE:	(x) Present	() Absent
(x) Kevin Day		(x) Tionn Fambro Carter
() Donald Mewes		() Nicole Parker
(x) Gary Snyder		() Bill Sowards
(x) Tanja Whitten		

Staff Present: Miles Brainard, Alan Fries.

Chairman Snyder called the meeting to order at 5:30 p.m. He welcomed Ms. Tionn Fambro Carter and Ms. Tanja Whitten as new members to the Board replacing Dave McAdam and Jeffrey Wright.

General Public Comments – There was no one present to make any general public comments. The meeting continued.

Approval of Written Agenda – Mr. Day made a motion to approve the written agenda for the meeting. Ms. Fambro Carter seconded the motion, and it passed unanimously.

Approval of Minutes – Mr. Day made a motion to approve the Minutes of the November 13, 2019 regular meeting. Ms. Fambro Carter seconded the motion, and it passed unanimously.

Procedural Explanation – Chairman Snyder explained the procedure to be followed for the public hearing.

Public Hearing #2020-04: The applicant, Electric Guard Dog, has filed a request for a variance to locate an electric fence in an I-2 (general industrial) district at 8401 51st Street West.

Mr. Fries presented the staff report. He said that the zoning ordinance requires that electric fences are only allowed in Agricultural or Suburban Estates zoning districts (Section 8.12J). The applicant proposes to locate a 10-foot-tall electric fence inside an existing six-foot-tall chain link fence that has a row of barb wire on top.

The site is the new location of the Old Dominion Truck Lines, which is a national truck line that has been installing electric fences throughout its facilities nationwide to provide for better security. Old Dominion has relocated to the site from its former location at 320 31st Avenue. The Board approved a variance in 2011 to locate a ten-foot-tall electric fence inside an existing six-foot-tall chain link fence with barb wire at that former location.

A local representative will be at the meeting presenting the need for the electric fence based on types of problems that have occurred nationally at similar trucking facilities. The proposed electric fence will be located approximately less than one foot from the existing chain link fence

surrounding the truck parking area and loading docks. The two western gates will remain and be secured.

As it was done at the 31st Avenue facility, signs will remain posted every 40 feet in English and Spanish identifying that there is an electric fence surrounding the site. Several other vehicle storage and towing businesses in the Quad City area have erected similar electronic fences at their businesses (Quad City Towing was approved in 2006 for an electric fence at 2550 5th Street).

The “voltage” of the fence will be powered by a 12-volt battery making it less than the maximum allowed in the Zoning Ordinance (ordinance requirements are to not exceed 25 milliamperes nor a pulsating current lower than one-tenth second in a one-second cycle). These voltage levels are set for agricultural uses. The voltage for the proposed fence will be set much lower (since it will be set to deter, not injure, humans).

Chairman Snyder called for proponents.

Cindy Williams, 9780 Anchor Road in Myrtle Beach, South Carolina, and representing Electric Guard Dog, was sworn in. She said the ten-foot height and close proximity to the existing chain link fence is needed because if it was the same height as the barb wire fence and located further away it would be easier to scale the barb wire fence and jump over the electric fence .

Mr. Day asked for clarification on the distance between the two fences. Ms. Williams said it would be between six-inches and one foot.

There being no questions, and as no one else wished to speak, the public hearing was closed.

Decision Case #2020-04 – Mr. Day made a motion to approve the request because:

1. Reasonable Return: The variance will improve the return on the property.
2. Unique Circumstances: None.
3. Character Alteration: The variance will not alter the character of the neighborhood.

Ms. Whitten seconded the motion, and it passed unanimously (Day, Whitten, Fambro Carter and Snyder).

Public Hearing #2020-05: The applicant, The American Doll and Toy Museum, has filed a request for a special exception to substitute one nonconforming use for another in an R-2 (one family residence) district at 3059 30th Street.

Mr. Fries presented the staff report. He explained the zoning ordinance requires Board authorization to substitute one nonconforming use for another nonconforming use (Section 5.12). The applicant proposes to substitute the American Doll and Toy Museum for the former 30/31 branch public library in the existing one-story structure.

The applicant has been operating the museum out of a store front a 1303 30th Street, which is a small space so they cannot display much of their collection. The former library building is much larger and also has the adjacent parking lot with approximately 18 off street spaces. The applicant would also reuse the existing 4' x 6' monument freestanding sign located at the southeast corner of the site.

The museum will be open Monday thru Saturday from approximately 9:00 a.m. to 5:00 p.m. The museum will employ one to two employees at one time. The museum operators may also use part of the building as a meeting room for groups to lease. The proposed hours, number of employees and use of the facility by outside groups are similar in scale to the former library practices. The proposed use will likely generate less traffic than the library and will not alter the character of the neighborhood.

He said the City has heard from one neighbor (Mr. Dennis Boyle, 3010 31st Avenue) who expressed that he would rather see a new single-family residence be located at the property.

Chairman Snyder called for proponents.

Ellen Tsagaris, 2317 29 ½ Street, was sworn in. She said that the museum hopes to relocated from its current location on 30th Street to the subject site and hopes the museum will be resource and teaching site for its patrons. She said they hope to have one to two programs for organizations like the Scouts and believe it will be an asset to the community and a good neighbor as it will not generate as much traffic as the library has. She added that her organization is purchasing the property not renting it and they hope to be open by the Summer.

Angela Campbell, 9930 14th Street West and Library Director, was sworn in. She said the library Had between 3,000 to 4,000 patrons per month on average and that the property was out for bid and the Museum made an offer for the property. She said they look forward with partnering with the Museum and the schools for programs at the new Museum.

Ms. Fambro Carter asked if the Museum was a for profit organization. Ms. Tsagaris responded that it was a non-profit organization and any money from admissions goes back into the Museum in order to keep the collection together.

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

Decision Case #2020-05 – Ms. Fambro Carter made a motion to approve the request because:

1. Reasonable Return: The special exception will improve the return on the property.
2. Unique Circumstances: None.
3. Character Alteration: The special exception will not alter the character of the neighborhood.

Mr. Day seconded the motion, and it passed unanimously (Fambro Carter, Day, Whitten and Snyder).

Adjournment:

Chairman Snyder adjourned the meeting at 6:00 p.m.

Respectfully submitted,

Alan Fries
Acting Secretary, Rock Island Board of Zoning Appeals