

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

Regular Meeting

7:00 p.m.

November 13, 2013

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

Staff Present: Alan Fries and Ben Griffith

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

Approval of Minutes – Mr. Wild made the motion to approve the Minutes of the October 9, 2013 meeting. Mr. McAdam seconded the motion, and it passed unanimously.

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

Public Hearing #2013-30 - Request from Roni Bern for a variance of 2.5 feet of the 3.5 foot maximum height for a fence in a front yard in an R-3 (one and two family residence) district at 1501 24th ½ Street.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that fences located in a front yard have a maximum height of 3.5 feet (Section 8.12). The applicant proposes to construct a six-foot privacy fence in the north front yard to be located up to the north property line.

Currently there is a six-foot privacy fence located in the east rear yard and a four-foot tall chain-link fence located in the north front yard. The applicant will remove both and construct a new six-foot tall privacy fence up to the north property line extending from the detached garage to the mid-point of the north building line. The applicant desires the taller fence to enlarge the area her dogs can be in and not be visible from pedestrians walking down the sidewalk. The applicant also indicates that deer have jumped over the chain-link fence and have come into her yard.

There are no other six-foot tall fences in front yards of corner lots in the neighborhood. Staff believes that the proposed fence will alter the character of the neighborhood.

He said that one objection had been received from Mr. Thom Elliott, 1425 24 ½ Street, who indicated that the taller fence would be visually and aesthetically unappealing in the neighborhood.

Chairman Snyder called for proponents.

Roni Bern, 1501 24 ½ Street, was sworn in. She said her property is adjacent to a City park and there are many people walking by her property and children have bothered her dogs by putting their hands through her chain-link fence. She said she wants the taller privacy fence for better privacy and security and so she can have her dogs outside without always having to be in the yard with them. She said there are security issues as things have been stolen from garage. She said she has put up surveillance cameras on her property for better protection, but someone has already jumped the fence and put a water hose in an unlocked rear porch trying to flood her house.

Chairman Snyder asked how many gates she has along her current fence. Ms. Bern replied two (one in the north front yard and a second by the garage). She added that people have opened the existing gates and let her dogs out of the yard.

Chairman Snyder then asked how many gates she proposes for the privacy fence. Ms. Bern replied only one and that she would have a lock on it.

Mr. Tschappat asked what type of material is proposed for the privacy fence. Ms. Bern said her husband could better answer that question.

Robert Bern, 1501 24 ½ Street, was sworn in. He said it would either be cedar or some other type of treated wood fence.

Ms. Bern said there is one privacy fence in the neighborhood at the corner of 16th Avenue and 24 ½ Street.

As there were no further questions and no one else requesting to speak, the public hearing was closed.

Decision Case #2013-30 – 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. She said she understands the staff recommendation to deny the request, but since the fence is a small bump-out area fence in the north side yard (not in the west front yard by the front door) she believes the proposed fence will alter the character of the neighborhood.

Chairman Snyder said since no neighbors appeared to state their objections he will vote in support of the motion.

Mr. McAdam said that there has been a evolution through time of Board voting on this and other variances and that he is not sure how the regulations came to only allow a 3.5 foot tall fence in a front yard.

Mr. Fries reviewed the history of fence regulations in the Zoning Ordinance indicating that past City Council members had observed the negative appearance of increasing amounts of six-foot tall privacy fences along busy street corridors. He said the City Council the revised the regulations approximately 15 years ago to only allow 3.5 foot tall fences in a front yard.

Mr. Tschappat said he does not like the fort-like appearance the proposed privacy fence will have on the corner lot, so he will support the staff recommendation to deny the request. He said he would be more supportive of an open style taller fence.

Mr. Wild said he does not think a six-foot tall chain-link fence would be visually appealing and that he supports approval of a variance for a taller wood privacy fence

Chairman Snyder called for a vote on the motion to approve the request and it passed with Mr. Wild, Mr. Day, Ms. Jalloh, Mr. McAdam, Ms. Williams and Chairman Snyder voting aye and Mr. Tschappat voting nay.

Other Business:

Mr. Griffith indicated that 2014 meeting schedules were included in the Board's packet with extras available on the table. He said the December regular Board meeting would either be on the 10th or 11th depending on scheduling and how many Board members could meet on each day. He said one case has already been submitted. He added that a likely January 2014 case would be variances for the proposed Police Station.

Chairman Snyder adjourned the meeting at 7:30 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Ben Griffith". The signature is written in a cursive style with a large, prominent initial "B".

Ben Griffith, AICP, Secretary
Rock Island Board of Zoning Appeals