

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

**Regular Meeting**

**7:00 p.m.**

**May 14, 2014**

ATTENDANCE:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
<input 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 type="checkbox"/> Robert Wild
<input checked="" type="checkbox"/> Faye Jalloh		

Staff Present: Ben Griffith and Alan Fries

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

**Approval of Minutes** – Mr. McAdam made the motion to approve the Minutes of the April 9, 2014 meeting. Ms. Williams seconded the motion, and it passed unanimously.

**Procedural Explanation** – Chairman Snyder explained the procedure to be followed for the public hearing. He said a statement of interested party had been received from Alan and Sheila Christensen, 8002 7<sup>th</sup> Street West.

**Public Hearing #2014-07 - Request from Elnora Kempf for a variance of one foot eleven inches of the six foot maximum height requirement for a fence in a side and rear yard in an R-2 (one family residence) district at 8004 7<sup>th</sup> Street West.**

Mr. Fries presented the staff report. He explained that the zoning ordinance requires fences in a side and rear yard to not exceed six feet in height (Section 8.12). The applicant proposes to construct a four-foot tall privacy fence on top of an approximate two-foot stone retaining wall along the north side yard extending into the west rear yard. Due to topography the proposed fence will extend up to a height of 6 feet 10.75 inches in the west rear yard.

The existing masonry retaining wall helps maintain the north slope of subject property adjacent to a neighbor's driveway. The wall slopes up with the yard as it extends into the rear yard. The applicant desires to locate a four foot tall privacy fence on top of the wall to provide better privacy for her home and protection for her air conditioning unit located on the north side of the residence.

Chairman Snyder called for proponents.

Elnora Kempf, 8004 7<sup>th</sup> Street West, was sworn in. She said she needs the variance due to the topography of her property in the rear yard. She added that she wants to be fair and do things the right way.

Chairman Snyder called for the interested party.

Alan Christensen, 8002 7<sup>th</sup> Street West, was sworn in. He required the use of a sign language interpreter (Ms. Andrea Holsomback from the Center for Independent Living) because of a hearing disability. Mr. Christensen stated that a smaller two-foot fence should be sufficient and that he would not like the

appearance of a taller fence and would also be concerned he could not see into the subject property to help in any time Ms. Kempf needed assistance. He said that it would also be difficult to see when he backed out of his driveway. He said there was so much snow this past winter that in order for his driveway to be cleared by his son when they are out of town. He added that his son did the shoveling for him when he and his wife were out of town and his son is the one who placed the snow on Ms. Kempf's property.

Chairman Snyder asked if Ms. Kempf were able to put up the taller fence, where he would put the snow in the future and is it fair to put the snow on her air conditioner unit. Mr. Christensen replied that he did not know where to put the snow in the future and he understands her concern about her air conditioner.

Mr. McAdam said it is asking a lot of your neighbor to have them take all of your snow from your driveway.

Mr. Christensen said she never complained to him and they try to be respectful of their neighbors. He added that having snow removed is not easy for him, but he knows it is his responsibility.

Sheila Christensen, 8002 7<sup>th</sup> Street West, was sworn in. She said she is against the variance because it is a tight space from their driveway to the proposed fence and they do not want to damage their car.

Chairman Snyder called for the rebuttal.

Ms. Kempf said when she put in her retaining wall the Christensen's widened their driveway up to the wall taking out some grass.

Chairman Snyder then asked if the Christensen's had any questions for Ms. Kempf.

Mr. Christensen asked how far back into the rear yard would the fence extend. Ms. Kempf replied back across to the west property line.

Mr. Christensen said he still opposes the fence because if Ms. Kempf fell on her property he would like to help her, but would not be able to see because of the taller fence. He added that a taller fence would block his view up and down the block.

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

**Decision Case #2014-07** – Ms. Williams made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. The existing lot and retaining wall slopes up into the west rear yard.
3. The proposed variance will not alter the character of the neighborhood.

Mr. McAdam seconded the motion. He said the applicant is right that people should not shovel their snow onto other people's property.

Ms. Williams said it is not really about snow, but the fence height and no one will really see it since the taller part will extend into the rear yard.

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

**Public Hearing #2014-08 - Request from City of Rock Island for a variance of 10 feet of the 25-foot front yard setback requirement off 13<sup>th</sup> Street, a variance of 35 feet of the 50-foot separation requirement from a lot line for a 2,200 gallon above-ground flammable liquid storage container and a variance of .5 foot-candle illumination level at a property line in a B-3 (community business) district.**

Mr. Fries presented the staff report. He explained that The zoning ordinance requires there be a 25-foot front yard setback requirement in a front yard adjacent to a residential zoning district (Section 27.6), that there be a 50-foot separation requirement between a flammable liquid storage container and a lot line (Section 34.9B) and a maximum illumination of 1.0 foot-candle at a property line (Section 35.5B).

The proposed two-story police station will have a total area of 45,105 square feet (approximately 9,972 square feet of the structure will be utilized as an indoor parking area and is excluded from calculating parking requirements). There will also be an adaptive re-use of an existing one-story 10,245 square foot former industrial structure for non-office police purposes. This existing structure is located on the southwest segment of the site off 12<sup>th</sup> Street.

The proposed police station structure will be have a west front yard setback of approximately 16 feet, which is 16 feet to the east of the existing adaptive re-use structure along 12<sup>th</sup> Street (this existing structure has an existing zero- to one-foot setback from property line adjacent to 12<sup>th</sup> Street). The proposed police station will also be separated from this existing structure by approximately 75 feet. The north front yard setback of the proposed police station will be 75 feet and the east front yard setback will be approximately 15 feet (this setback will require a building setback variance because it is adjacent to residential zoning to the east).

The Zoning Ordinance requires four parking spaces per 1,000 square feet of floor area. Based on the total floor area of offices (excluding inside parking area) a total of 135 parking spaces is required. The final site plan identifies a total of 135 parking spaces.

There will be security LED type lights located at the gate off of 12<sup>th</sup> and 13<sup>th</sup> Streets and the former 6<sup>th</sup> Avenue. The City Council has already approved the vacation of 6<sup>th</sup> Avenue to accommodate the police station staff parking area. The lights will have a foot-candle illumination of 1.5, which is .5 higher than the Zoning Ordinance allows. The extra light intensity is needed for security at these two gates. Both 12<sup>th</sup> and 13<sup>th</sup> Streets have an 80-foot wide public right-of-way (ROW) width, which is much wider than the normal 50- to 60-foot ROW width for local and/or collector streets. The wider ROW width increases the distance from the subject property line from adjacent property lines for residential properties on the east side of 13<sup>th</sup> Street.

The final variance is for the separation of a 2,200 gallon above-ground fuel tank for a generator. This tank is located in alignment with the eastern facade of the structure (15 feet from the eastern property line off 13<sup>th</sup> Street). There is an 8-foot high masonry wall located along the eastern building line that will be located between the tanks and the property line. The Fire Marshal has reviewed this location and determined that it meets Fire Code requirements.

Chairman Snyder called for proponents.

Jeff VenHuizen, Police Chief of the City of Rock Island, was sworn in. He said that during the long planning process the architects and City staff have given a lot of attention to assure that the proposed police station will fit in with the neighborhood. He said he and Mr. Griffith met with several neighbors in an open house on the site to talk about the project and be available for neighbor's questions. He said that he and 109 other Police Department employees are excited to see the project go forward.

He said that the current police station has an above ground natural gas generator and the proposed generator for the site will have a self-test once a week and provide for critical functions like the dispatch center and the energy communications center, but will not power the whole building.

Ms. Williams asked if the proposed location of the generator is critical to the functions of these two important areas of the facility. Chief Venhuizen replied that it was.

Mr. Tschappat asked where handicapped parking would be located. Chief Venhuizen replied two spaces would be located in the north public parking lot and one space would be located within the staff parking area.

**Decision Case #2014-08** – Mr. Tschappat made a motion to approve the request because:

1. The proposed variances will provide for a safe and secure police station within the neighborhood and community.
2. The property has three front yards.
3. The proposed variances will not alter the character of the neighborhood.

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

**Other Business:**

Mr. Griffith informed the Board that there are six cases on the agenda for the regular June meeting. He reminded the Board members to be mindful of any *ex parte* communications and to contact the Planning Office with any questions regarding any items on upcoming agendas.

**Adjournment:**

Chairman Snyder adjourned the meeting at 7:55 p.m.

Respectfully submitted,



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