

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

Regular Meeting

7:00 p.m.

July 14, 2010

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

Staff Present: Alan Carmen, Alan Fries

Chairman Snyder called the meeting to order at 7:00 p.m. He said that the public hearing request from The Electric Guard Dog Company for 320 31st Avenue has been postponed until August 11th at the request of the applicant.

Approval of Minutes –Mr. Tschappat made a motion to approve the Minutes of the June 9, 2010 meeting. Ms. Williams seconded the motion, and it passed unanimously.

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

Public Hearing #2010-11 - Request from Adam Swank for a variance of 2.5 feet of the 3.5 foot maximum fence height in a front yard and a variance of eight feet of the 25 foot setback from point of intersection for a fence at corner of a street and an avenue in an R-2 (one family residence) district at 2007 37th Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires that fences in a front yard have a maximum height of only 3.5 feet and a setback of 25 feet from point of intersection of a street to an avenue (Section 8.12). The applicant proposes to erect a six foot tall privacy fence in the north and west front yards.

The applicant has a double lot with his residence located on the southerly one-half of the property. The applicant indicates that he desires to have better privacy for his family and two dogs that he lets out from time to time and explains that children walking in the area have bothered the dogs. He indicates that a shorter fence would not provide adequate privacy and/or security.

Staff contacted the City Engineer and asked him to make an assessment of the variance request. His analysis resulted in a recommendation that the Board deny the variance for the six foot tall fence because it would have a negative effect on visibility at the intersection. He also indicated that a shorter 3.5 foot tall privacy fence would make significantly less negative impact on visibility at the intersection. Staff concurs with the City Engineer's assessment and believes that a 3.5 foot fence with the requested setback variance would still provide some visual privacy for the applicant's family and pets.

Chairman Snyder called for proponents.

Adam Swank, 2007 37th Street, was sworn in. He said that he was removing the variance request from the setback from point of intersection, but was still requesting a variance from the fence height requirement. He said he has concerns over privacy and security for his dogs that he lets out in his yard. He also said that

a taller fence would help buffer his view from the back of the former Ace Hardware building to the north of his home.

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

Decision Case #2010-11 – Mr. Tschappat made a motion to deny the request because:

1. The proposed six foot tall privacy fence would create a visibility problem at the intersection.
2. The proposed six foot tall privacy fence will alter the character of the neighborhood.

Ms. Williams seconded the motion.

Mr. McAdams said that he does not think he could see over a 3.5 foot tall fence from a vehicle at the intersection and that the Board has allowed variances at more dangerous intersections than this one is.

Chairman Snyder called for a vote on the motion to deny the request, and it passed with Mr. Tschappat, Ms. Williams and Chairman Snyder voting aye and Mr. McAdams voting nay. The request for the variance was denied.

Public Hearing #2010-12 - Request from Scott Showalter for a variance of three feet of the three foot setback for an accessory structure in a rear yard in an R-2 (one family residence) district at 1602 Big Island Parkway.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires a three foot minimum setback for accessory structures in a rear yard of a residential zoning district (Section 8.5A). The applicant proposes to remove an existing one car detached garage and construct a new two car detached garage in the south rear yard.

The applicant will remove the existing one car detached garage and construct a proposed 24' x 24' detached garage at approximately the same location. The existing garage was constructed up to the east property line and the applicant desires to locate the new garage also up to the east property line. The applicant indicates that he cannot construct the proposed garage any further to the south due to a septic field located on the site. There is only a distance of 15.5 feet from the rear exterior wall of the house to the north wall of the proposed garage. The applicant also indicates that the variance is needed because of the space needed in order to turn a vehicle from the driveway into the westerly bay of the proposed two car garage.

Chairman Snyder called for proponents.

Scott Showalter, 1602 Big Island Parkway, was sworn in. He said that there are five similar houses in a row along his street and all the detached garages are close to the houses and property lines.

Mr. McAdams asked if he could live with the staff recommendation to only allow a two foot variance of the three foot setback requirement. Mr. Showalter replied that he could.

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

Decision Case #2010-12 – Mr. McAdam made a motion to approve a request for a variance of two feet of the three foot setback for an accessory structure in the rear yard because:

1. A variance of two feet of the three foot setback requirement will improve the return on the property.

2. There is a septic field to the south of the proposed garage location limiting moving construction any further south on the site.
3. A variance of two feet of the three foot setback requirement will not alter the character of the neighborhood.

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

Public Hearing #2010-14 - Request from the City of Rock Island for variances from the lowest floor for new and existing buildings undergoing substantial improvements have a lowest floor elevation with two feet of freeboard above the base flood elevation. The request consists of two elements: 1) for interpretation of the Flood Ordinance related to the existing building, and 2) To allow a variance of one foot of the two foot requirement for elevation above the base flood elevation for new construction in an I-2 (general industrial) district at 601 1st Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires that for both new buildings constructed in a floodplain and existing buildings undergoing substantial improvements, that the lowest floor either be placed at or above the flood protection elevation or be structurally dry flood proofed (Section 11-72). The applicant proposes to renovate the existing 23,725 square foot accessory storage building for vehicle and bulk material storage, construct a new 25,800 square foot vehicle storage garage and 4,800 square foot office building and construct a 2,625 square foot truck wash facility on the site.

The City proposes to convert the former Watt's Storage Facility into the City's Public Works Street Garage (see attached letter from Robert Hawes, Public Works Director/Assistant City Manager). A segment of the property is identified as a "Special Flood Hazard Area" by the April 5, 2010 Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency. The area on the subject site is described as a ponding area with flood depths between one and three feet.

The City is seeking the variance for the existing building because it believes that the existing building will not have a lowest floor elevation because it will meet the ordinance requirement of being used "solely for parking of vehicles, building access or storage in an area other than a basement area." The building is a "flood resistant enclosure" in that it will incur minimal damage if flooded (building is constructed of insulated metal wall panels on a concrete slab and all electrical and mechanical facilities will continue to be above the base flood elevation). If it interpreted that the existing building does not have to meet the requirements for a "lowest floor elevation" due to its use, then the City will not have to incur the considerable cost of raising the existing floor above the base flood elevation, for what appears to be little additional protection against property damage.

To allow the City to locate the lowest floor elevation of the new building only one foot above the base flood elevation, instead of two feet, is based on the City's understanding that the two feet of freeboard above the base flood elevation was developed primarily for residential properties where the quality of survey data is often questionable and the danger to life and property is higher. The two feet of freeboard provides some buffer, such that survey data can be off by up to two feet, so the property in question will still be protected from the base flood. The quality of survey data for commercial/industrial areas is typically better, so the one foot freeboard should be sufficient. Allowing for one foot of freeboard instead of two will substantially improve the functionality of the site and reduce the cost of construction. The City has investigated other potential locations for these facilities and found this site to be the most appropriate and cost effective.

Locating the new building one foot above the base flood elevation will already be costly due to the existing elevation of the site. The new building will need to be constructed 3.2 feet above the existing site

elevation to meet the one foot requirement already making it challenging to construct driveway and parking areas on the site. This challenge would be much more difficult if the new building had to be constructed 4.2 feet above the existing elevation. Allowing the new building to be constructed only one foot above the base flood elevation will not create an additional threat to public health or safety or create a nuisance.

Chairman Snyder called for proponents.

Tom Ayers, Chief Building Official for the City of Rock Island, was sworn in. Mr. Ayers briefly reviewed the history of the City's flood regulations. He said that he is comfortable with the variance allowing a one foot building elevation around the proposed structure. He said the site is protected by the levee system and there are back up pumps to help if there is ponding in the area. He added that if there would be flooding problems on this site there would likely be widespread flooding problems throughout the whole city.

Mr. McAdams asked if the two foot elevation is required for industrial and commercial buildings and only one foot for residential. Mr. Ayers replied that the Flood Ordinance requirement does not delineate between different uses and zoning. He added that the structure will still be above the natural ponding level, but just not two feet above this level.

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

Decision Case #2010-14 – Ms. Williams made a motion to approve the request because:

1. The proposed variances will provide a needed City service that will improve the property.
2. The proposed variances will not alter the character of the neighborhood.

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

Public Hearing #2010-11 - Request from Steve and Jaime Bramer for a variance of 1.5 feet of the 3.5 foot maximum fence height in a front yard and a variance of 25 feet of the 25 foot setback from point of intersection for a fence at corner of a alley and an avenue in an R-2 (one family residence) district at 1703 21st Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires that fences in a front yard have a maximum height of only 3.5 feet and a setback of 25 feet from point of intersection of a street to an avenue (Section 8.12). The applicant proposes to erect a five foot tall picket fence at approximately the same location in the north front yard.

The applicants will remove the existing four foot tall picket fence that has pickets approximately three to four inches apart and replace it with the proposed five foot tall picket fence with pickets two inches apart. The applicants indicate that the new fence will provide better privacy and security for their small children while playing in the yard area.

Staff contacted the City Engineer and asked him to make an assessment of the variance request. His analysis was that there would not be a visibility concern at the intersection in relation to the proposed fence due to the wider boulevard along 17th Avenue.

The residence is located within the Highland Park Historic District. The Preservation Commission can comment on variance requests to properties within the district in relation to the impact on the historic structures and neighborhood. The Commission met on June 23rd and has passed along the comment that the variances will have no impact on the historic structure or historic district.

Chairman Snyder called for proponents.

Steve Bramer, 1703 21st Street, was sworn in. He said that he did not have anything to add to the staff report and was available for questions.

Ms. Williams said that she agrees with the City Engineer that there will not be a visibility issue since the proposed fence will not be a solid privacy fence.

Mr. Fries said that a certificate of Appropriateness will be required for the design of the fence through the Preservation Commission and that the Board's decision is based on the height and location variances from the zoning regulations.

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

Decision Case #2010-15 – Mr. McAdams made a motion to approve the request because:

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

Ms. Williams seconded the motion.

Ms. Williams said that the openness of the picket fence is important to considering the variances.

Mr. McAdams agreed.

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

Other Business- Election of Officers:

Ms. Williams said she would be unable to fulfill the role as Vice Chair of the Board due to health considerations.

Mr. Carmen said the Board will take up considering a new Vice Chair at its next meeting.

Chairman Snyder adjourned the meeting at 7:40 p.m.

Respectfully Submitted,

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