

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

Regular Meeting

7:00 p.m.

August 11, 2010

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

Staff Present: Alan Carmen, Alan Fries

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

Approval of Minutes – Mr. Tschappat made a motion to approve the Minutes of the July 14, 2010 meeting. Mr. Wild seconded the motion, and it passed unanimously.

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

Public Hearing #2010-13 - Request from The Electric Guard Dog for a variance to allow an electric fence in an I-1 (light industrial) district at 320 31st Avenue.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires that electric fences are only allowed in Agricultural or Suburban Estates 1 zoning districts (Section 8.12J). The applicant proposes to erect a ten foot tall electric fence inside the existing chain link fence that surrounds the perimeter of the property.

The applicant desires the electric fence to provide better security for the Old Dominion Truck Lines facility, which is a national truck line that has been installing electric fences throughout its facilities nationwide. A local representative will be at the meeting presenting the need for the electric fence based on types of problems that have occurred locally on the site. The proposed fence will be set in approximately three to six inches inside the property from the existing seven foot tall chain link fence (with barb wire on top) on the site. The gate will remain on the existing fence and the proposed electric fence will be tied into the gate. When the gate is opened each day the electric fence will not be in operation.

Signs will be posted every 40 feet in English and Spanish identifying that there is an electric fence surrounding the site. Several 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).

He said a letter of objection had been received from Ron Harksen, President of Rock Island Electric Motor Repair at 211 31st Avenue and an e-mail of objection from Steve Tollenaer, City of Rock Island 4th Ward Alderman. Chairman Snyder called for proponents.

Cindy Gsell, 201 Wintermist Drive in Cary, North Carolina and representing The Electric Guard Dog, was sworn in. She said that her client (Old Dominion Freight Lines) wants to be proactive to deter any possibility of theft at this location because they have a significant amount of their assets and inventory parked in the lot overnight. She

said her product is the most efficient and cost effective way to provide security for the property. She said she visited with Mr. Harksen and indicated that his only concern was that the fence not look like a prison style fence. She said that the proposed fence needs to be taller than the existing chain link fence on the property because it would make it difficult to place a ladder from one fence to another to get over both fences. She also presented photographs of the proposed fence and indicated that it is made of ten single strands of wire with steel poles in each corner and fiberglass poles in between, so aesthetics will not be an issue.

Mr. Tschappat asked if the business would no longer be located on this site would her company take back the electric fence. Ms. Gsell replied that they would.

Mr. McAdams asked if there were any possibility that people would be injured if they touched the electric fence (he gave the example of a person having a heart pacemaker). Ms. Gsell replied that it does not hurt anyone.

Mr. Wild wanted to know if there have been theft problems on the subject site.

Jeff Green, 5414 28th Avenue and Terminal Director of Old Dominion Freight Lines at 320 31st Avenue, was sworn in. He said that he has only been working at the site since June 4th. He said there has not been a theft problem since he has been there, but cited problems at other trucking firms he has worked at through the years. He cited the circumstance of an individual attempting to drive a vehicle through the fence at an industrial property across the street from the subject site. He said that items kept in trucks on the site typically have a very high value.

Ms. Gsell also identified theft problems nationwide and indicated that her client is being proactive and locating electric fences at its facilities all over the country.

Chairman Snyder called for opponents.

Dan Carothers, 225 34th Avenue, was sworn in. He said that he is a 20 year property owner located to the south of the site and that the area has a ground hog problem and that he is concerned that alarms on the fence will constantly go off when animals come in contact with the electric fence. He said the existing chain link fence is not well maintained in areas as it has holes in it and there are kids in the area that might be curious about the fence and attempt to touch it. He said that he helps keep the area clean by picking up plastic along the existing fence that comes from the subject site and he also has concerns about coming close to and accidentally touching the electric fence. He concluded by saying that having an electric fence with signs gives a bad image to the area since people will think there is a bad crime problem there.

Jim Davies, 2408 45th Street and owner of Ted's Boatarama at 102 31st Avenue, was sworn in. He said he also owns the truck terminal to the west of the subject site and has been in business in the area since 1974. He said having a business in the area with a tall electric fence with signs will be a detriment to his retail boat business as it will look terrible and give the image that the area has a crime problem. He said that he called the Rock Island Police department and asked if there were any recent calls to the subject site and was informed that there were none.

Chairman Snyder called for the rebuttal.

Ms. Gsell said that the subject property is in an industrial area and they have a right to be there as much as adjacent retail uses have to be in their area. She said that the fence will be minimal risk to animals and will not sound a long alarm if an animal comes into contact with the fence. She said if children come onto the subject property and touch the electric fence they are trespassing and should not be there. She said that there are other indications of crime deterrents in the area as Mr. Davies has signs on the fence around his boat business that there guard dogs in his outside storage yard. She said there is also barb wire fencing located on other properties in the

area.

Mr. Carmen reminded the Board that the consideration for the variance is for the electric fence not the ten foot height of the fence as that height is allowed in an industrial zoning district.

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

Decision Case #2010-13 – Mr. McAdams made a motion to approve the request because:

1. The proposed fence will improve the return on the property.
2. The proposed fence will not alter the character of the neighborhood.

Mr. Tschappat seconded the motion for discussion purposes.

Mr. McAdams said the decision about the request is a difficult and debatable because of the objection of two adjacent property owners.

Chairman Snyder called for a vote on the motion to approve the request, and it failed to receive the required four affirmative votes to approve a variance with Mr. McAdams voting aye and Mr. Tschappat, Ms. Jalloh, Mr. Wild and Chairman Snyder voting Nay. The request for the variance was denied.

Public Hearing #2010612 - Request from Karen Boyle for a variance of three feet of the 25 foot front yard setback requirement in an R-2 (one family residence) district at 20 Brittany Lane.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires a minimum front yard variance of 25 feet in a front yard (Section 15.5). The applicant proposes to construct an attached deck (8' x 22') in the north front yard.

The applicant is also making other exterior improvements to the property that do not require any zoning variances (siding and driveway improvements). The proposed deck will extend 22 feet westward from the front door, which is located adjacent to the attached garage. The deck will be constructed only eight inches off the ground and will be without a roof, except for a covered area extending approximately six feet out from the front door. If the proposed deck is approved there will be a 22 foot front yard remaining on the property.

Chairman Snyder called for proponents.

Patrick Boyle, 20 Brittany Lane, was sworn in. He said that the eight inch tall deck will sit atop a concrete slab and extend from the front door westward to a small “knock-out” in the exterior wall. He added that the deck will extend out eight feet to the edge of a private sidewalk.

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

Decision Case #2010-16 – Mr. Wild 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. The proposed deck will improve the return on the property.
2. The proposed deck will not alter the character of the neighborhood.

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

Public Hearing #2010-17 - Request from Jerry and Grace Shirk for a variance of six feet of the six foot separation between accessory structures and a variance of three feet of the three foot setback from property lines in an R-2 (one family residence) district at 4014 28th Avenue.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a six foot separation between accessory structures and a three foot setback from all property lines (Section 8.5A). The applicant proposes to construct a 12' x 18' accessory structure directly adjacent to an existing 18' x 40' detached garage in the south rear yard.

The applicant has two existing garages that he uses to restore and park custom vehicles in. The proposed addition will be located to the south of the larger existing garage (18' x 40') and will essentially butt up against the exterior wall of this existing garage. The proposed accessory building will meet the three foot setback off the east property line, but be situated right up to the south property line. The roof line will be lower (at eight foot tall) than the existing 18' x 40' garage (which has 11.5 foot tall side walls). There will also be a garage door facing west for the proposed structure (structure will be used for additional storage of a utility trailer and lawn equipment).

Chairman Snyder called for proponents.

Jerry Shirk, 4014 28th Avenue, was sworn in. He said that he gave incorrect information regarding the proposed setback from the south property line and that the variance request should be revised to be a variance of 1.5 feet of the three foot setback from the south property line.

Mark Czerwinski, 4018 28th Avenue, was sworn in. He said that he supports the variance request.

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

Decision Case #2010-17 – Mr. Tschappat made a motion to approve the revised request (with a variance of 1.5 feet of the three foot setback from the south property line) because:

1. The proposed accessory building will improve the return on the property.
2. The proposed accessory building will not alter the character of the neighborhood.

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

Other Business- Election of Officers:

Chairman Snyder said that Karen Williams said she would be unable to fulfill the role as Vice Chair of the Board due to health considerations. He asked for a motion to accept her resignation as Vice Chair.

Mr. Wild made a motion to accept Ms. Williams resignation as Vice Chair.

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

Chairman Snyder then asked for a motion for nominations for a new Vice Chair.

Mr. Wild made a motion to nominate Dave McAdam as Vice Chair and since there were no other nominations, he was approved by acclamation by Board members.

Chairman Snyder adjourned the meeting at 8:22 p.m.

Respectfully Submitted,

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