

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

**Regular Meeting**

**7:00 p.m.**

**May 13, 2015**

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 checked="" 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. Wild made a motion to approve the Minutes of the April 8, 2015 meeting. Ms. Jalloh seconded the motion, and it passed unanimously.

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

**Public Hearing #2015-05 - Request from Luis and Tammy Gallegos for a special exception to change a non-conforming six-foot tall chain-link fence located in a south front yard to a six-foot tall chain-link fence with vinyl privacy slats in the same front yard location in an R-3 (one and two family residence) district at 1323 25<sup>th</sup> Street.**

Mr. Fries presented the staff report. He explained that the zoning ordinance requires Board authorization to alter a non-conforming use (Section 5.12) and that fences not exceed 3.5 feet in height in a front yard setback on a residentially zoned property (Section 8.12). The applicant proposes to place vinyl slats in the existing six-foot tall chain-link fence in the south front yard.

The existing fence extends approximately five feet into the south front yard from the south façade of the residence. This fence had been located on the property prior to the change in the Zoning Ordinance that no longer allowed six-foot tall fences to be located in a front yard. The applicants have a back yard swimming pool and a dog and desire to have more privacy from people walking down 14<sup>th</sup> Avenue. They indicate that children have teased their dog while it is out in the dog run.

The City Engineer has looked at the request and determined that locating privacy slats in the existing fence will not result in a visibility problem to traffic or pedestrians.

Chairman Snyder called for proponents.

Tammy Gallegos, 1323 25<sup>th</sup> Street, was sworn in. She said she agrees with the staff report and that they have two dogs and one is older and not in good health. She said that if someone teases

their dogs and they get bitten, she and her husband would be held responsible, so they need the privacy slats in the fence to reduce the opportunity for children putting their fingers through the fence. She added that the privacy slats will also help improve the appearance of the neighborhood.

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

**Decision Case #2015-05** – Mr. Wild made a motion to approve the request because:

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

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

**Other Business:**

Chairman Snyder said there was some discussion at the last meeting about the amount of discussion allowed by the Board before a motion is made by a member. He said that in his experience a motion and second was done first, but after discussing the rules of order with Mr. Griffith, he has come to the understanding that there are other ways it can be done. He suggested that discussion could be conducted prior to a motion, but only to clarify points made at the hearing and ask questions of staff.

Mr. Griffith said that after the Chairman closes the public hearing the Board could ask questions and discuss what information was presented at the hearing prior to a motion.

Ms. Williams asked if having such discussion first would look to people in the audience that the Board is trying to come up with how they were going to vote.

Mr. Tschappat said that Board members should not discuss how they were going to vote during this discussion time.

Mr. Griffith agreed and said that the discussion prior to a motion needs to have a narrow focus regarding clarification on information presented to the Board and questions to staff. He added that the Board should also be consistent in how it defines and utilizes this discussion time.

Ms. Williams said that the discussion time could be identified as a point of information or point of clarification.

Chairman Snyder agreed and said that after he closes the public hearing that he, or any Board member could state they have such a point to be made and could call it either point of information or point of clarification.

There was consensus agreement among Board members to allow this discussion time in the manner presented.

Mr. Griffith informed the Board that there will be two cases on the agenda for the June 10<sup>th</sup> regular 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 7:45 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, stylized initial "B".

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