

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

**Regular Meeting**

**7:00 p.m.**

**August 12, 2015**

ATTENDANCE:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
(x) Kevin Day		(x) Karen Williams
(x) Dave McAdam		(x) Larry Tschappat
(x) Gary Snyder		<input type="checkbox"/> Robert Wild
(x) 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. Tschappat made a motion to approve the Minutes of the July 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 #2015-10 - Request from Rodney Link for a special exception to approve a one-year temporary use for a gravel parking area in a rear yard of an R-3 (one and two family residence) district at 1715 28<sup>th</sup> Street.**

Mr. Fries presented the staff report. He explained that the zoning ordinance requires Board Authorization for a temporary use, which can be up to one year in duration (Section 5.13). The applicant proposes to construct a two-vehicle gravel parking area for up to one year, to allow the ground to compact after removing a large tree from the site. He intends to pave the parking area with asphalt or concrete.

Chairman Snyder called for proponents.

No one was present to represent the request.

Mr. Tschappat made a motion to continue the request until the regular September meeting.

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

**Public Hearing #2015-11 - Request from Rafferty Funeral Home for a special exception to expand a non-conforming use in an R-2 (one family residence) district at 4205 30<sup>th</sup> Street.**

Mr. Fries stated that the applicant has requested a continuance to a future meeting in order to revise the request.

Mr. Day made a motion to continue the request until a future meeting so the applicant can revise the request.

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

**Public Hearing #2015-12 - Request from Veronica Johnnie and Jim Steib for a variance of 10 inches of the 3½-foot maximum height for a fence in a front side yard in an R-2 (one family residence) district at 3200 38<sup>th</sup> Street.**

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that fences in a front yard of a residential zoned area not exceed 3½ feet in height (Section 8.12). The applicants propose to maintain a 4'4" tall vinyl privacy fence in the east front yard.

Staff received a complaint regarding the fence height in the front yard and informed the applicants that they would either need to bring it into conformance with codes, or apply for a variance. The applicants have chosen to apply for a variance because they believe it reduces garbage from blowing onto their property from the south.

Staff believes that the fence is an attractive addition to the neighborhood and improves the return on the property.

Chairman Snyder called for proponents.

Veronica Johnnie, 3200 38<sup>th</sup> Street, was sworn in. She said she put up the fence because she likes her privacy along that side of her house.

Chairman Snyder asked if it was a maintenance-free fence. Ms. Johnnie replied it was, that she had Scott County Fence Company put it up, and that she was not aware of the fence height requirement.

Joy Murphy, 4502 7<sup>th</sup> Avenue, was sworn in. She said her sister has owned the house for many years and made many improvements to it. She said the fence adds a little bit of privacy and adds a lot to the property that her sister takes a lot of pride in.

Chairman Snyder called for opponents.

Steve DeProne, 3833 26<sup>th</sup> Street, was sworn in. He said he owns the property to the north of the subject site and has made many improvements to that property also. He said a nice young lady intends to purchase his property. He said that the maximum height allowed by the ordinance should be maintained for the site. He submitted three letters from neighbors in objection to the fence and supporting that the ordinance fence height be maintained for the site. The letters were from Richard Shuda, 1300 18<sup>th</sup> Avenue; John and Nanette Bruckman, 3326 38<sup>th</sup> Street and Drew Otten 3121 37<sup>th</sup> Street. He said the Bruckman's indicated in their letter that since there was no other front yard fences on the block, the subject fence was an eyesore.

Michael Gelberstoll, 3204 38<sup>th</sup> Street, was sworn in. He said he has no objection to the fence itself, but would like to see the ordinance height upheld. He said Mr. Steib makes everyone else in the neighborhood stick to standards, so he should do the same.

Chairman Snyder called for a rebuttal.

Ms. Murphy said the fence is not an eyesore, but a very beautiful fence. She said that the fence is only ten-inches taller than the ordinance requirements and this should not be about neighbors who don't like other neighbors.

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

**Decision Case #2015-12** – Mr. McAdam 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.

No one seconded, so the motion failed due to lack of a second.

Mr. Tschappat made a motion to deny the request because:

1. The proposed variance does not conform to the zoning ordinance front yard height requirements.
2. The proposed fence variance alters the character of the neighborhood by disrupting the continuity of the front yard appearance in the neighborhood.

Ms. Williams seconded the motion. She said the fence height in the front yard breaks the rhythm of the street, whether it beautifies the subject site or not.

Chairman Snyder said the fence is not like the chain link fence at the Shuda property and that he believes it is a nice fence that adds class to the neighborhood. He said it is a big front yard and the fence does not go all the way out to the street.

Mr. Day said there is a chain link fence in the back yard, which does not provide much privacy. He said if the property owners of the subject site wanted more privacy they should have put a privacy fence in their back yard also.

Mr. Tschappat said he supports what Ms. Williams said about the fence disrupting the continuity of the front yards on the block.

Mr. McAdam said he is staying with his opinion that the fence is attractive and supports granting a variance.

Ms. Jalloh said the fence is attractive, but the height is also an issue.

Chairman Snyder called for a vote on the motion to deny the request and it passed (4-2) with Mr. Day, Ms. Jalloh, Mr. Tschappat and Ms. Williams voting aye and Mr. McAdam and Chairman Snyder voting nay.

**Other Business:**

Mr. Griffith said there will be a total of six cases for the September regular meeting agenda. 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 7:39 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Ben Griffith". The signature is written in a cursive, flowing style.

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