

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

Regular Meeting

7:00 p.m.

May 10, 2017

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

Staff Present: Ryan Berger, Alan Fries.

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

Approval of Minutes – Mr. Day made a motion to approve the Minutes of the April 12, 2017 meeting. Mr. McAdam seconded the motion, and it passed unanimously.

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

Public Hearing #2017-07: The applicant, Randy Dickson/U-Haul Company of Iowa and Illinois, has filed a request for a special exception for an authorized use (two mini-warehousing uses as identified in the Zoning Ordinance), a variance of 15 square feet of the 393 maximum total sign area on the site (including attached and freestanding signs) and a variance to allow two principal structures on a property in a B-4 (highway/intensive business) district at 3840 46th Avenue (Blackhawk Road).

Chairman Snyder said the applicant has requested the case be tabled until the June 14, 2017 regular Board meeting.

Ms. Williams made a motion to table the request until the June 14, 2017 regular Board meeting. Mr. Tschappat seconded the motion, and it passed unanimously.

Public Hearing #2017-08 - Request from Heather DePauw for a variance of 2.5 feet of the 6 foot maximum height for a fence in a front yard in an R-3 (one and two family residence) district at 501 22nd Avenue.

Mr. Fries presented the staff report. He explained the Zoning Ordinance requires a maximum fence height of 3.5 feet in a front yard (Section 8.5A). The applicant proposes to install a six foot privacy fence in the west front yard.

Currently there is a 3.5 foot tall chain link fence in the west front yard. The applicant has a deck in the north rear yard and is seeking the variance for a taller privacy fence for more privacy and security for her family. The proposed fence would extend out from the southwest corner of the residence and then turn northward along the west property line adjacent to 5th Street. The fence would stop at the driveway for the detached garage, but continue on the north side of the garage and then back along the north property

line into the rear yard. He said Staff recommends that a variance be allowed for a four foot tall privacy fence. Since the site has a one foot slope from street level the fence would provide approximately five feet of privacy. He said one objection had been received from Ms. Barbara Wise, 535 22nd Avenue, expressing concerns about visibility at the intersection of the variance was approved..

Chairman Snyder called for proponents.

Heather DePauw, 501 22nd Avenue, was sworn in. She said that she has had things stolen from and trash thrown in her back yard and is concerned for the safety of her daughter playing in the yard. She said that having a 6 foot privacy fence will provide better privacy and security for her and her family. She said she was talked to Catherine Scott who lives two doors away and that she supports the variance request.

Chairman Snyder called for opponents.

Barbara Wise, 535 22nd Avenue, was sworn in. She said she understands the applicants concern for her daughter, but she is concerned about visibility at the intersection if the variance was approved. She said she uses the intersection to get to work in the morning and there are bushes on the house to the south of the subject property and a truck parked on the east side of 5th Street that makes it difficult to see to be able to turn from 22nd Avenue onto 5th Street. She said that at its proposed location even a 4 foot tall privacy fence would be hard to see all vehicles at the intersection.

Chairman Snyder called for a rebuttal by the applicant.

Ms. DePauw said if it would help she could move the fence to the north, so there is better visibility at the intersection.

Mr. Day clarified that she was now proposing to move the fence to the northwest corner of the house rather than the proposed southwest corner of the house.

Ms. DePauw replied that she would be willing to do that.

After some additional questions, Ms. Wise said she did not think that would be an issue.

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

Decision Case #2017-08 – Mr. Tschappat made a motion to approve an amended request* because:

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

*He stipulated that the approved 6 foot tall privacy fence shall extend into the west front yard from a point of beginning at the northwest corner of the residence rather than the originally requested southwest corner of the residence.

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

Public Hearing #2017-09 - Request from Dennis Weiss of Eugene Field School for a variance to replace an existing lighted freestanding sign (4' x 6") with a LED lighted sign (4' x 6') in an R-2 (one family residence) district at 2800 31st Avenue.

Mr. Fries presented the staff report. He explained that the Sign Ordinance requires a variance to locate a lighted sign for an institutional use in a residential zoning district (Section 6 {a} {6}). The applicant proposes to install the 24 square foot LED message board sign in the north front yard.

The applicant first obtained a variance to locate a 4' x 6' message board freestanding sign with internally lighted sign cabinet in 2003. The applicant now desires to change the existing sign cabinet for a LED lighted message board sign similar to other LED signs that have been approved for some churches and schools in the city. LED signs are more economical to light and messages can be quickly changed electronically inside the building rather than manually changing the lettering outside. He said staff recommends a stipulation for approval to have the lights on the sign be set on a timer to turn them off at 9:00m p.m.

Chairman Snyder called for proponents.

Cindy Arkebauer, 9510 27th Street in Milan, Illinois, was sworn in. She said that she is representing the school and they always strive to be in good relations with their neighbors and will place a dimmer switch on the sign and set it on a timer to turn them off at 9:00 p.m.

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

Decision Case #2017-09 – Ms. Williams made a motion to approve* the request because:

1. The proposed variance for the LED sign will improve and enhance the school being able to provide information to parents and the community.
 2. The proposed variance for the LED sign will not alter the character of the neighborhood.
- *She stipulated that the lighting of the sign be set on a timer to turn off at 9:00 p.m.

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

Public Hearing #2017-10 - Request from Andrew and Sarah Freeman for a variance to locate an above ground swimming pool with a surrounding deck with railing in a front yard and a variance of .5 feet of the 3.5 foot maximum front yard height fence requirement in an R-3 (one and two family residential) district.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that accessory structures be located in a rear yard (Section 8.5A) and that fences not exceed 3.5 feet in a front yard (Section 8.12). The applicant proposes to locate a 54-inch tall above ground swimming pool with a temporary 4 foot tall privacy fence surrounding the pool and then later remove the fencing and install an approximate 54 inch tall deck surrounding the pool with a 36-inch tall deck railing all in the west front yard.

The applicant has looked at several options to locate the proposed 33 foot diameter swimming pool in a side yard. However, due to overhead utility lines and underground sewer and water drainage lines the only

feasible location is to locate the swimming pool in the front yard location that is 38' from the west property line, 22 feet from the north property line and 26 feet from the house.

The applicant has already purchased a foot tall privacy fence that they intend to locate around the pool for security. Their long term intention is to locate a raised deck around the pool with 36" tall railing. The deck would be secured so no one could enter the pool area. He said one Statement of Interested Party had been received from Mr. Richard Resch, 22 Hillcrest Court, also identifying objection to the request due to potential nose and line of sight objections.

Chairman Snyder called for proponents.

Sarah Freeman, 2343 27th Street, was sworn in. She said she has tried to locate the pool in the side yard having representatives from MidAmerican Energy and the City out to her property to identify utility lines and City underground lines and there is nowhere else to locate the swimming pool on the site.

Mr. McAdam asked about the underground drainage line. Ms. Freeman there is a creek that runs through the ravine that drains into that line.

Chairman Snyder called for the Interested Party

Richard Resch, 22 Hillcrest Court, was sworn in. He said he lives up top of the ravine and already asked the applicants if they can relocate the pool to another location on their property so he would not have to see it or hear people in the pool. He asked Ms. Freeman if she said she was going to look at relocating the pool. Ms. Freeman replied said she did look at it and there is not another location on their property that they can move it.

Mr. Resch then said they have a large driveway on their property and that he thinks they should take part of it out to relocate the pool there. He said that the proposed location negatively affects his property values. He added that they have cut down the trees on the site that were adjacent to 27th Street.

Chairman Snyder called for proponents.

Andrew Freeman, 2343 27th Street, was sworn in. He said the proposed pool will increase the value of their house and that he cut down the trees, so the leaves would not get in the pool. He said he lives in the valley and Mr. Resch can barely see their proposed pool location. He said they have tried other locations and they cannot locate the pool anywhere else.

Mr. Tschappat asked that if there was to be an erosion problem off of 27th Street would he take care of it. Mr. Freeman replied that he talked with a City Public Works employee about the issue and would work with the City to take care of it.

Mr. Resch asked if he could ask Mr. Freeman a question.

Chairman Snyder said he could since Mr. Freeman was also an applicant to the request.

Mr. Resch asked if there was a dead tree located on the Freeman's north property line. Mr. Freeman replied that there was.

Mr. Resch then asked why he has not taken care of that. Mr. Freeman replied it would cost \$650 to do it.

Mr. Freeman then asked how was he sure he would take care of the potential erosion problem off of 27th Street since he has not taken care of the dead tree along his north property line. Mr. Freeman replied he only has one dad.

Chairman Snyder called for the rebuttal.

Ms. Freeman said this is not supposed to be an argument situation as they are doing the best they can. She said she has four small children and did try to relocate the pool, but there is no other location because they do not have a back yard and there are utilities in the side yard. She said that Mr. Resch asking them how they would pay for the work off of 27th Street is none of his business, but she has a father-in-law that can assist them.

Decision Case #2017-10 – Mr. McAdam made a motion to approve the request because:

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

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

Other Business:

Mr. Fries informed the Board there are now with the tabling of tonight's first case, two cases for the regular June 14, 2017 meeting.

Adjournment:

Chairman Snyder adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Ryan Berger, Planning and Redevelopment Administrator