

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

Regular Meeting

7:00 p.m.

February 9, 2011

ATTENDANCE:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
	<input type="checkbox"/> Vacant	<input checked="" type="checkbox"/> Karen Williams
	<input type="checkbox"/> Dave McAdam	<input checked="" type="checkbox"/> Larry Tschappat
	<input checked="" type="checkbox"/> Gary Snyder	<input type="checkbox"/> Robert Wild
	<input checked="" type="checkbox"/> Faye Jalloh	

Staff Present: Alan Carmen, Alan Fries

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

Chairman Snyder said that Public Hearing #2011-03 from Jordan Catholic School at 2901 24th Street had been deferred until the March 9, 2011 meeting at the request of the applicant.

Approval of Minutes – Mr. Tschappat made a motion to approve the Minutes of the January 12, 2011 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 #2011-04 - Request from James Sexton for a variance of 2.5 feet of the 3.5-foot maximum height for a fence in a front yard and a variance of 25 feet of the 25-foot setback from point of intersection for a fence in a front yard on a corner property in an R-3 (one and two family residence) district at 1800 9 ½ Street.

Mr. Fries presented the staff report. He explained that the Zoning Ordinance requires a maximum height of 3.5 feet for fences in a front yard and a 25-foot setback from point of intersection for fences on a corner lot (Section 8.12). The applicant proposes to maintain a six-foot tall privacy fence in an approximate 36-foot long segment in the north front yard. The remainder of the fence in the north and east yards will be changed to meet the 42-inch height limit, but will be maintained approximately up to the corner, not set back 25 feet as required.

The City received a complaint regarding the existing fence and contacted the applicant about the need to either bring the fence into conformance with zoning regulations, or apply for and receive a variance. The applicant has decided to apply for a variance based on a revision to his existing fence configuration. The applicant will reduce the fence height in the east front yard and proposes to only maintain a six-foot tall height for the fence along an approximate 36-foot long segment along the north front yard. This area will include 20-foot long segment between the subject house and the west property line (providing privacy for the west rear yard) and a 16-foot long segment from the north side door of the house eastward towards the intersection. The applicant indicates that he would like to maintain the six-foot tall fence in this area to provide for more privacy and security for a child's bedroom since there have been people knocking on the side door when walking past the house.

The City Engineer has reviewed the applicant's fence height revisions in relation to visibility at the intersection and recommends that the fence also be set back approximately ten feet from point of intersection along the east and north property lines. This would set the fence back to the sidewalk entrance to the residence off 9-½ Street, while still providing adequate visibility at the corner. The applicant is aware of the City Engineer's recommendation and understands that he could still enclose the front yards by angling the fence at the corner from the ten-foot setback points along the east and north property lines.

Chairman Snyder called for proponents.

James Sexton, 1800 9-½ Street, was sworn in. He said that along with people knocking at the side door he has had a lawn mower and grill stolen from his back yard and desires the fence to provide better security for his possessions. He said his attached one-car garage is too small to store things in.

Chairman Snyder asked who erected the fence. Mr. Sexton replied that he did and added that he was not aware of the zoning regulations for fences.

Mr. Tschappat asked if he would like the fence height to be six feet tall along the entire north side of the property. Mr. Sexton replied that he is aware that the City Engineer does not recommend that it be six feet in height for that entire area, so he proposes to only have the fence six feet in height in the rear yard and for an approximate 16-foot long segment adjacent to the side door and his daughter's bedroom.

Mr. Tschappat then asked if he measured the distance from the point of intersection and the angle of the proposed fence with the ten-foot setback to see if there was enough front yard left to be able to get a lawnmower around the corner on his lawn. Mr. Sexton replied that he has not been able to measure due to the snow cover in the yard area.

Joyce Fulton, 1800 9-½ Street, was sworn in. She asked for clarification on the way a fence can be angled at the intersection. Mr. Tschappat replied that the setback is from the point the two property lines intersect at the corner and that a fence can then be set on an angle from the points ten feet away from the point of intersection.

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

Decision Case #2011-04 – Mr. Tschappat asked staff how long would the section of a six-foot tall fence be along 18th Avenue. Mr. Fries replied that City staff and the City Engineer understood that the distance would be a total of 36 feet (20 feet in the rear yard area and 16 feet adjacent to the house).

Mr. Tschappat asked if the public hearing could be re-opened to ask the applicant another question.

After seeing that there was a consensus among Board members, Chairman Snyder re-opened the public hearing.

Mr. Tschappat asked if that length of fence was workable for Mr. Sexton. Mr. Sexton replied that he

understood that is what was acceptable to the City Engineer, but that he would like to have a distance of 20 feet along the house and another 20 feet in the rear yard and a setback of only eight feet at the intersection rather than ten feet.

Chairman Snyder closed the public again. He then asked the Board if they would like to give the applicant more time to re-measure his yard area to assess the existing fence location and options for changing his fence height and distance.

Ms. Williams made a motion to defer the request until the April 13, 2011 regular meeting because:

1. The Board wanted the applicant and staff to have additional time to measure and assess the existing fence location and options for considering the proposed variance.

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

Chairman Snyder adjourned the meeting at 7:35 p.m.

Respectfully Submitted,

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