

## Rock Island Board of Zoning Appeals Minutes

Council Chambers (3<sup>rd</sup> Floor), City Hall

1528 3rd Avenue

August 9, 2023

5:30 PM



<b>Voting Members Present</b>	Gary Snyder Bill Sowards Tanja Whitten Pandora Lawrence Donald Mewes
<b>Voting Members Absent</b>	Kevin Day Nicole Parker
<b>Staff Present</b>	Tanner Osing Eunice A. Amissah-Mensah
<b>Guests</b>	

### Call to Order and Roll Call

Chair Snyder called the meeting to order at 5:33 PM and read the roll call.

### Public Comment

There was no one present to make any general public comments. The meeting continued.

### Approval of the Agenda

Sowards moved to approve the written agenda for August 9, 2023. Lawrence seconded the motion. The motion carried unanimously on a vote of 5 to 0.

### Approval of the Previous Meeting Minutes

Mewes moved to approve the minutes for July 12, 2023. Lawrence seconded the motion. The motion carried unanimously on a vote of 5 to 0.

### Old Business

Chair Snyder explained the procedure to be followed for public hearings.

2023-15 Public Hearing: Bradford Hill of 4016 7<sup>th</sup> Avenue – Variance to allow an accessory structure in the front yard, variance of 16 feet of the 20-foot setback for a structure in the front yard, and a variance of 5 feet, 10 inches of the 6-foot setback between the pool and the deck of the house.

Osing presented the staff report. The Zoning Ordinance does not allow accessory structures in a front yard, and would require the pool to be setback twenty (20) feet from the 41<sup>st</sup> Street property line and six (6) feet from the deck (Chapter 11, Section 6-A and Chapter 15, Section 6).

The applicant proposes to locate an above ground pool (16' x 48") in the front yard of his home along 41<sup>st</sup> Street between the existing dwelling that is proposed to be setback 4

feet from the east property line and 2 inches from a deck. The property is a corner lot with two front yards and adjacent to Longfellow Elementary School. Staff believe the property can yield a reasonable return without the variances and that proposed pool will alter the character of the neighborhood as a structure that close to the property line and in the front yard does not provide a reasonable layout for the property. Additionally, the parcel is a regular size with no uniqueness regarding depth or frontage.

Mewes asked if there is a minimum distance requirement from a pool to a structure than it is for a house or garage. Osing responded it falls under an accessory structure so would have to meet the 6-foot setback requirement.

Chair Snyder called for the applicant.

Bradford Hill of 4016 7<sup>th</sup> Avenue is sworn in. The applicant stated he would want to place a pool on his property back yard but is impeded by the oak tree in his back yard. The pool will also restrict access to the house from the garage. He is asking for a variance to have a pool for his family to enjoy.

Whitten asked if the applicant has a fenced in yard with which the applicant responded he would like to do so for privacy.

Lawrence expressed concern for the placement of the pool and proximity to the school adjacent the property as this would attract children to use the pool. Osing clarified that the pool being 4 feet tall will satisfy the building code requirements.

Mewes asked if the applicant knew the distance between the house and garage. Whitten asked if there is room to move the pool closer to the garage. The applicant responded negatively.

As there were no other questions and no one else wished to speak, the public hearing was closed.

Decision Case 2023-15 – Mewes made a motion to approve the request for the variance because:

1. Reasonable Return: The proposed variance will improve the return on the property.
2. Unique circumstances: There is a unique circumstance as the property sits on a corner lot and has 2 front yards.

Lawrence seconded the motion. The motion was denied on a vote of 3 to 2 since concurring votes are required to approve a variance (Ayes - Whitten, Lawrence, and Mewes) (Nays - Snyder and Sowards).

## **New Business**

2023-16 Public Hearing: Raheem Flowers of 4500 27<sup>th</sup> Avenue – Variance to allow a six (6) foot fence in the front yard, which is two (2) feet over the maximum allowed height of four (4) feet.

Osing presented the staff report. He stated that the Zoning Ordinance requires that fences located in a yard adjacent to a public street of residential zoned property be no more than 4 feet in height (Chapter 11, Section 13).

Osing stated that the applicant proposes to maintain an existing 6-foot tall tight board, vinyl fence adjacent to 45<sup>th</sup> Street. Staff became aware of the fence after it was constructed and informed the property owner that they would need a variance to maintain it. The applicant due desire to maintain the fence for the security and safety of their children and dog, and added privacy for the home.

Staff believe the property can yield a reasonable return without the variance and that putting up the fence alters the character of the neighborhood as a four (4) foot fence would still offer security and privacy. While there are other non-conforming fences nearby that have been in place for many years, staff is unable to find any record regarding their approval. Additionally, 45<sup>th</sup> Street is a local street with minimal traffic that would not prompt a need for added privacy. The applicant could lower the fence to four (4) feet in its current location or align (6) foot fence with the house to come into compliance.

Whitten wanted clarification on aligning a six (6) foot fence by the house. Osing responded that it would need be where the building line is directly.

Chair Snyder called for the applicant.

Raheem Flowers of Rock Island was sworn in. The applicant pointed out other neighbors have the same fence height and his fence would be in line with the character of the neighborhood. He also does not believe it is obstructing traffic visibility on 27<sup>th</sup> Avenue. He put up his fence in May.

Chair Snyder asked if he put the fence up himself or he had a contractor put it up with which he responded he had a contractor put the fence up. The applicant added he has plans to put a pool in the back yard.

As there were no other questions and one else wished to speak, the public hearing was closed.

Decision Case 2023-16: Whitten made a motion to approve the request for the variance because:

1. Reasonable Return: The property cannot yield a reasonable return without a six (6) foot fence in the front yard.
2. Character Alteration: The fence does not alter the character of the neighborhood.

Lawrence seconded the motion. The motion passed unanimously on a vote of 5 to 0 (Snyder, Whitten, Lawrence, Mewes, and Sowards).

### **Other Business**

#### Discussion on the consolidation of Planning Commission and Board of Zoning Appeals

Osing provided reasons for the consolidation of the Board of Zoning Appeals and Planning Commission. He explained in situations where applicants need to go through 2 separate applications, this can be handled by sending out one public notice and during one meeting. All previous responsibilities would not change with the consolidation.

The Board provided feedback on the proposed consolidation with some members expressing interest in joining the proposed commission.

### **Adjournment**

Chair Snyder adjourned the meeting at 6:30 pm.

Minutes submitted by Eunice Amissah-Mensah and Tanner Osing.

DRAFT