

MINUTES
PRESERVATION COMMISSION
DECEMBER 17, 2014
CITY HALL COUNCIL CHAMBERS

MEMBERS PRESENT: Brent Bogen, Kent Cornish, Lendol Calder, Sue Swords, Anthony Heddlesten, John Strieter

Lo Milani arrived at 5:37 p.m.

MEMBERS ABSENT: Colleen Vollman, Craig Kavensky

ASSOCIATE MEMBERS: Linda Anderson, Diane Oestreich

STAFF PRESENT: Ben Griffith, Brandy Howe

OTHERS PRESENT: None

CALL TO ORDER: Chairman Bogen called the meeting to order at 5:31 PM.

AN ORDER APPROVING THE WRITTEN AGENDA:

MOTION: Calder made a motion to approve the written agenda. Heddlesten seconded the motion. **The motion carried on a vote of 7-0.**

AN ORDER APPROVING THE MINUTES OF THE OCTOBER 15, 2014 MEETING:

Chairman Bogen asked if there were any corrections to the minutes of the October 15, 2014 meeting. Heddlesten requested the spelling of his name be corrected on the last page under Adjournment. Chairman Bogen asked for a motion to approve the minutes as amended. Heddlesten made a motion to approve the minutes as amended. Swords seconded the motion. **The motion carried on a vote of 7-0.**

REVIEW AND PROVIDE COMMENTS TO BOARD OF ZONING APPEALS ON A VARIANCE REQUEST FOR 804 20TH STREET:

Chairman Bogen asked Ms. Howe to provide a report. Ms. Howe reported that CED staff received an application for a zoning variance from Tim McGuire. Mr. McGuire entered into a purchase agreement to buy the home at 804 20th Street with one of the contingencies being that Macrina Feller, current owner, construct a six foot tall back yard privacy fence on the site prior to Mr. McGuire taking title to the property. After work to build the fence was already initiated, it was brought to the City's attention that the fence being constructed was not in compliance with the City's zoning ordinance; the ordinance does not permit fences in excess of 42" in front yards. The property is a corner lot and essentially has two front yards. Mr. Fries notified the owner of the variance requirement and work was stopped on the fence installation. The matter is before the Preservation Commission to provide comments to the Board of Zoning Appeals on the variance request.

Chairman Bogen asked if there was any discussion on the matter. Associate Oestreich commented that the regulation limiting fence height to 42" in front yards is applicable city-wide. Previous cases where the Commission voted in favor of a fence height variance were iron fences with a high level of transparency. Associate Oestreich cited an example at 715 20th Street, the Magill House, a local landmark. Associate Anderson added that a tapered fence at 820 20th Street was another example where a fence could be built to code. Heddlesten asked about the appearance of a tapered fence. Associate Oestreich responded that the typical treatment is to step the fence up from 42" at the plane of the house, which is also permitted in the zoning ordinance. Cornish noted that the style the fence is more important than the height of the fence. Cornish added that a 6 foot privacy fence would appear like a fortress and would not

be appropriate in a historic district. Associate Anderson commented that the applicant should have a valid reason for requesting to override the zoning ordinance requirements.

Chairman Bogen asked for clarification on the City's requirements for fences and wondered why this matter was not being brought before the Commission as a certificate of appropriateness because the address in question is in the Broadway Historic District. Chairmen Bogen then read the following from Section 11-113(b) of the Preservation Ordinance: "A certificate of appropriateness is required for any demolition, construction or material change of any sidewalk, curb, **fence**, wall, permanent sign or other ornamentation included in a landmark designation or within **an historic district** if subject to view from a public street." Associate Oestreich clarified that the section in question is only applicable to locally-designated historic districts.

Chairman Bogen noted that since the property is in a historic district, perhaps the Commission suggest to the Board of Zoning Appeals that if the height variance is granted, the fence should be in conformance with the City's design guidelines for historic structures which indicates that fences in historic neighborhoods should be appropriate for the size and scale of the property and that ornate iron fences are appropriate and compatible. Commissioner Swords noted that if it were her property, and if she had children or a dog, she would want to have a privacy fence for protection.

Chairman Bogen asked if it was the general sentiment of the Commission to recommend denial of the variance request and suggest to the Board of Zoning Appeals that because the property is in a historic district, a variance request should be in conformance with the residential design guidelines. Milani added that the design guidelines would also apply if the property were not in a historic district because they were adopted as city-wide guidelines. Heddlesten suggested that the Commission's motion to the Board of Zoning Appeals provide solutions instead of a simple denial. Heddlesten suggested the motion to recommend denial include the following options: 1) allow a 42" fence using the existing posts; 2) taper the fence; 3) or construct a fence that is in conformance with the design guidelines. Heddlesten added that the preference would be option 3. Heddlesten also suggested that the applicable pages from the design guidelines be provided to the Board of Zoning Appeals for their reference when they consider the variance request.

Chairman Bogen asked for a motion. Milani made a motion to recommend denial of the fence height variance as requested and suggested that the applicant follow the approved residential design guidelines pertaining to fences. The motion was seconded by Heddlesten. **The motion carried on a vote of 7-0.**

OTHER BUSINESS:

Chairman Bogen asked there was any further business to discuss. Swords suggested that the Commission meet with area realtors to provide information about city zoning and preservation regulations so that situations as described above do not occur. Chairman Bogen suggested that the Quad Cities Realtors Association lunch and learn sessions might be an appropriate venue for such.

Strieter asked whether it would be appropriate for the Commission to mention to the owner of the Parker House that the landscaping is out of scale. Chairman Bogen indicated that the preservation ordinance does not refer to landscaping.

Griffith noted that Kavensky was not present due to a standing conflict. Kavensky asked if a potential change in the regular meeting time could be discussed. Associate Oestreich suggested that Howe send out a survey to find out if the meeting time should potentially be changed.

Heddlesten asked about the status of the CLG grant application. Howe indicated that the City is still waiting to hear back from the Illinois Historic Preservation Agency.

Griffith stated that no landmark or certificate of appropriateness applications have been submitted, however, a special use permit application for a home occupation at the Potter House will be on the agenda for the January meeting. Griffith reminded everyone to be mindful of any *ex parte*

communications and to contact the Planning Office with any questions regarding any items on upcoming agendas.

ADJOURNMENT:

MOTION: Calder moved to adjourn. Swords seconded the motion. **The motion carried on a vote of 7-0.**

The meeting was adjourned at 6:06 p.m.

Minutes submitted by Brandy Howe