

**January 13, 2016**

**Rock Island Board of Zoning Appeals  
Council Chambers—Third Floor—City Hall  
1528 – 3<sup>rd</sup> Avenue  
Regular Meeting Agenda  
January 13, 2016  
7:00 PM**

1. Call to Order and Roll Call
2. Approval of the Minutes of the regular meeting of November 11, 2015
3. Procedural Explanation
4. Public Hearing #2016-01: the applicant, Donald William Johnson, has filed a request for a variance of 2½ feet of the 3½-foot maximum height for a fence in a front yard and a variance of 15 feet of the 25-foot setback of the point of intersection of a fence in a front yard of a corner lot in an R-6 (multi-family residence) district at 1108 - 4<sup>th</sup> Avenue.
5. Other Business
6. Adjournment

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

**Regular Meeting**

**7:00 p.m.**

**November 11, 2015**

ATTENDANCE:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
(x) Kevin Day		(x) Karen Williams
( ) Dave McAdam		( ) Larry Tschappat
(x) Gary Snyder		(x) 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. Wild made a motion to approve the Minutes of the October 14, 2015 meeting. Mr. Day seconded the motion, and it passed unanimously.

**Procedural Explanation** – Chairman Snyder explained the procedure to be followed for the public hearing. He indicated that there was an Interested Party Statement submitted for Case #2015-22.

**Public Hearing #2015-20 - Request from Jeb and Amanda Makula for a variance of one foot of the six-foot maximum fence height in a rear yard in an R-3 (one and two family residence) district at 1617 37<sup>th</sup> Street.**

Mr. Fries presented the staff report. He explained that the zoning ordinance requires a maximum height of six feet for a fence in a side or rear yard (Section 8.12). The applicant proposes to erect a seven-foot tall privacy fence in the east rear yard.

The subject rear yard is located adjacent to two auto-related businesses that exit on the north/south alley between the property and the businesses. Currently, there is a six-foot wood fence that will be removed and replaced with the proposed seven-foot tall vinyl fence at the same location. In a letter submitted by the applicant, they indicate the proposed taller fence is needed due to the noise issues from the adjacent businesses along with safety concerns (see attached letter).

Staff believes that since the property is off an alley adjacent to two auto related businesses that the variance for the additional height is justifiable.

Chairman Snyder called for proponents.

Jab and Amanda Makula, 1617 37<sup>th</sup> Street were both sworn in. Mr. Maluka said they would like a better buffer from the auto related businesses across the alley and have also had people and bicycles come through their yard in the past.

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

**Decision Case #2015-20** – Mr. Day made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. The lot is adjacent to two auto related service businesses that exit on the alley.
3. The proposed variance will not alter the character of the neighborhood.

Ms. Williams seconded the motion, and it passed unanimously.

**Public Hearing #2015-21 - Request from Jamie and Joy McDonald for a variance of six inches of the 3.5-foot maximum fence height in a front yard and a special exception to expand a non-conforming use in an R-3 (one and two family residence) district at 4002 7<sup>th</sup> Avenue.**

Mr. Fries presented the staff report. He explained that a maximum height of 3.5 feet for a fence in a front yard and Board authorization to expand a non-conforming use (Sections 8.12 and 5.12). The applicant proposes to maintain a four-foot tall privacy fence in the west front yard and expand a non-conforming attached porch by enclosing a 6' x 10.5' segment of the porch and adding a 10.5' x 10.5' enclosed attached addition to be located 12.5' from the west front property line (existing porch is also located 12.5' from west front property line).

The applicants located the four-foot tall fence on the west front yard after contacting Inspections Division staff regarding general information about fence height and permits. It appears information regarding corner lots having two front yards was not brought up, so the applicants located the fence taller than zoning regulations would allow in a “second” front yard.

The building addition will be one story and will extend out to the existing porch line. Part of the existing porch will be enclosed in order to accommodate a new mud room. The addition will square off an existing bay area to allow larger kitchen and pantry space.

Mr. Fries indicated that one objection had been received from Darlene Hass, 643 39<sup>th</sup> Street, objecting to the request because it would make the property have a fort-like appearance.

Chairman Snyder called for proponents.

Jamie and Joy McDonald, 4002 7<sup>th</sup> Avenue, were both sworn in. Ms. McDonald said she operates a home day care and has her own children and the previous chain link fence they had along the west property line was rusted and did not provide adequate security. She also said her existing kitchen on the first floor is small and they desire to enlarge it to bring the one story addition out to the edge of the existing attached porch line.

Mr. Day asked if they would match the existing exterior with the proposed addition. Mr. McDonald said they keep the same color, but would likely put vinyl siding on the addition.

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

**Decision Case #2015-21** – Mr. Wild made a motion to approve the request because:

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

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

**Public Hearing #2015-22** - Request from Alphonso Dickerson for a special exception to allow a temporary use for up to six months to continue to locate two trailers and a metal salvage dumpster on an unimproved surface and a variance to locate the metal salvage dumpster permanently on the site in an R-3 (one to two family residence) district at 601 9<sup>th</sup> Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires that trailers and private storage containers be parked on an improved surface and that a commercial dumpster could not be located in a residential zoning district (Sections 8.14E [1] and 16.1). The applicant proposes to continue to locate two jet-ski trailers and a salvage dumpster on a grassy area in the north side yard for up to six months, and then improve the area with asphalt or concrete for permanent location of both the trailers and salvage dumpster.

Staff became aware of the issues on the property through code enforcement work by the Inspections Division. The applicant has removed the trailers and the commercial dumpster due to a code enforcement directive by Inspection Division staff. The applicant is seeking a six-month temporary use to relocate the trailers and dumpster back on the property through the winter months until he can improve the north area of the site with asphalt or concrete next spring.

The applicant is also asking to maintain the commercial dumpster on the property permanently. The dumpster is used as a neighborhood “drop-off” site for recyclable materials. The applicant also receives requests to pick up appliances and other items that can be recycled. Staff believes that this use is more of a business activity and requires the variance to continue using the site for this non-residential activity.

Mr. Fries said that a Statement as Interested Party and an objection had been received from Bob Sendgikoski, Construction Director of Habitat for Humanity. He said Habitat owns properties located at 924 6<sup>th</sup> Street and 722 9<sup>th</sup> Avenue.

Chairman Snyder called for proponents.

Melvin Dickerson, 718 11th Avenue, was sworn in. He said he was the applicant’s son and that he will not have the dumpster there at all anymore, but will only be parking the two trailers with

a total of four jet skis on the property. He said he will locate a concrete slab along the north property line approximately 25 feet off the western sidewalk and place the trailers on the slab.

Chairman Snyder called for the Interested Party/opponents.

Mr. Sendgikoski replied that since the request has been revised with the dumpster no longer being proposed he has no objection to the six-month temporary use request

Mattie Seward, 817 24<sup>th</sup> Avenue, was sworn in. She said she was also opposed to the dumpster, but has no objection to the six month temporary use request.

Mr. Dickerson asked if he could add a fence height variance to his request, so he can fence in the entire property with a taller fence.

Mr. Fries replied that he would need to make another variance application for that request since it was not part of the request that he submitted for tonight's public hearing.

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

**Decision Case #2015-22** – Ms. Williams made a motion to approve the special exception for the six month temporary use request because:

4. The proposed temporary use will improve the return on the property.
5. The proposed temporary use will not alter the character of the neighborhood.

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

**Other Business:**

Mr. Griffith said there are no cases for the December meeting agenda, so there will be no meeting. He reminded the Board members to be mindful of any *ex parte* communications and to contact the Planning Office with any questions.

**Adjournment:**

Chairman Snyder adjourned the meeting at 8:00 p.m.

Respectfully submitted,



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

## REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department  
Planning and Redevelopment Division

DATE: December 30, 2015

SUBJECT: Case #2016-01- Request for variances from the maximum height for a fence in a front yard and setback from point of intersection for a privacy fence at a corner lot of an R-6 (multi-family residence) district.

Applicants:

Donald William Johnson

Location:

1108 4<sup>th</sup> Avenue

Request:

To allow a variance of 2.5 feet of the 3.5 foot maximum height for a fence in a front yard and a variance of 15 feet of the 25 foot setback of point of intersection of a fence in a front yard of a corner lot in an R-6 (multi-family residence) district.

Size of Property:

The property measures 160' x 160' x 40' 40' 80' 120' (20,800 square feet).

Zoning History:

Planning Commission Case# 2002-6- The western 80' of the site was rezoned from R-6 to B-3 as part of rezoning done after adoption of the 2002 Zoning Ordinance.

Existing Land Use and Zoning:

The site is occupied by a single family residence. To the east is a single family residence, zoned R-6. To the north are three undeveloped properties, zoned R-6. To the south is a single family residence, zoned B-3. To the west is a welding business, zoned B-3.

Topography:

The site is flat and slightly above street level.

Affected Requirements:

The zoning ordinance requires that fences in a front yard not exceed 3.5 feet in height and that there be a setback of 25 feet from the point of intersection of the two property lines meeting at the corner of the corner lot (Section 8.12). The applicant proposes to construct a six-foot tall privacy fence in the north and west front yards, ten feet from the point of intersection of the north

and west property lines.

Conditions to Authorize Special Exception:

1. Reasonable Return: The proposed variance will improve the return on the property.
2. Unique Circumstances: The lot is a corner lot with two front yards.
3. Character Alteration: The proposed variance will not alter the character of the neighborhood.

Comments:

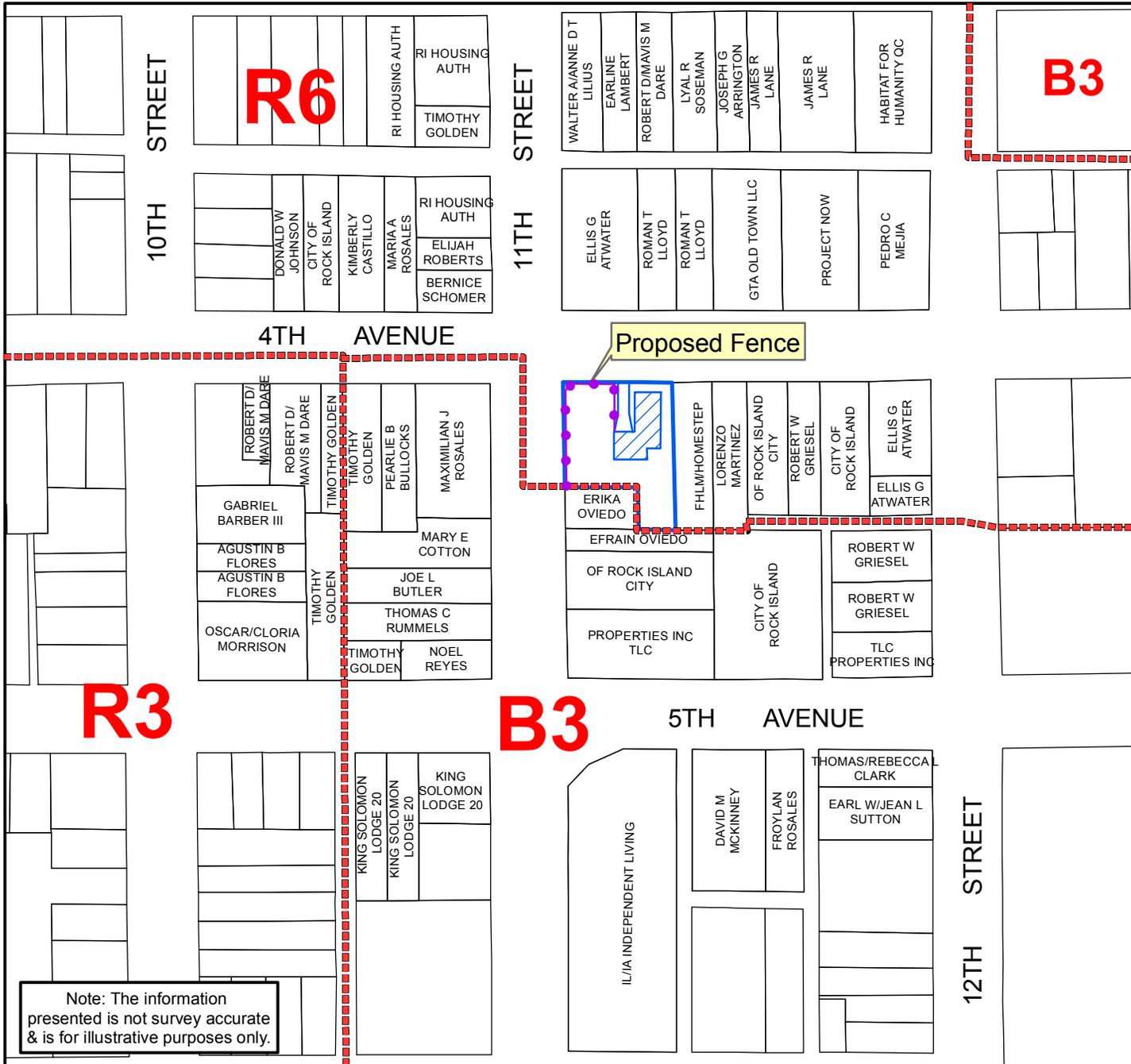
The applicant indicates that people cut through his corner lot and that he has concerns over the safety of several of his grandchildren that are frequently at the property. He desires the proposed privacy fence to better provide for their safety, security and privacy.

The Assistant City Engineering has reviewed the proposal and determined that the six foot tall privacy fence located ten feet from the point of intersection at the corner will not be a visibility issue.

Recommendation:

That the variances be approved because it will improve the return on the property, the lot is a corner lot with two front yards and will not alter the character of the neighborhood.

# BOARD OF ZONING APPEALS



Note: The information presented is not survey accurate & is for illustrative purposes only.

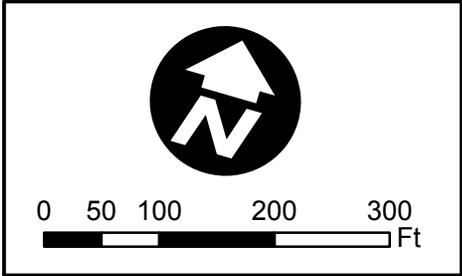
## BOARD OF ZONING APPEALS 2016-1

**Legend**

- Parcels
- Subject Property

DR. BY: K.G.D.

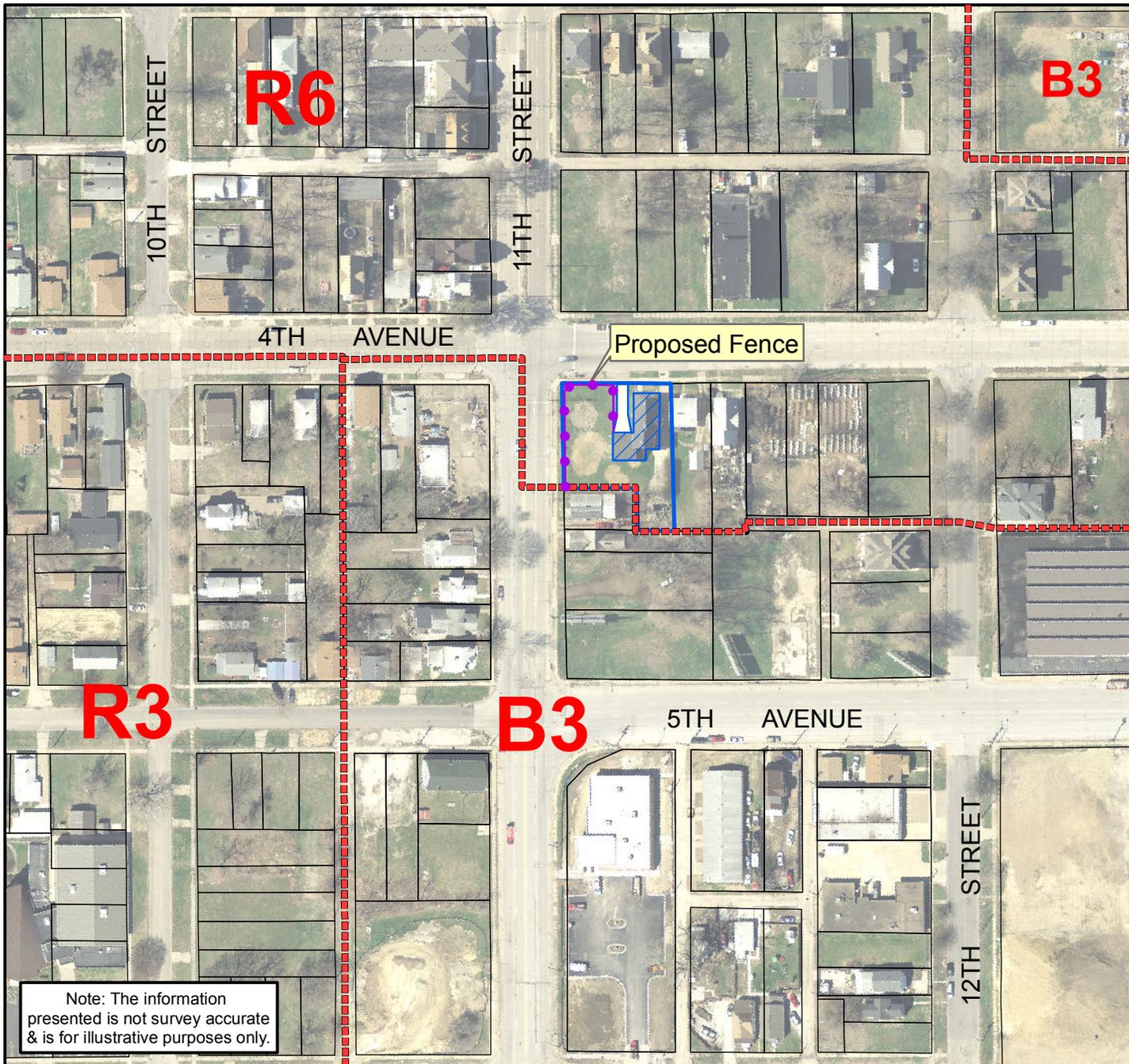
APPR. BY: B.G./A.F.



**City of Rock Island**

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning and Redevelopment

# BOARD OF ZONING APPEALS



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## BOARD OF ZONING APPEALS

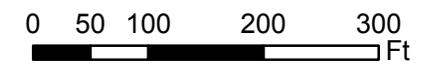
### 2016-1 Aerial

#### Legend

-  Parcels
-  Subject Property

DR. BY: K.G.D.

APPR. BY: B.G./A.F.



## City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning and Redevelopment





DO NOT  
ENTER