

April 12, 2017

**Rock Island Board of Zoning Appeals
Council Chambers—Third Floor—City Hall
1528 – 3rd Avenue
Regular Meeting Agenda
April 12, 2017
7:00 PM**

1. Call to Order and Roll Call
2. Approval of the Minutes of the regular meeting of March 8, 2017
3. Procedural Explanation
4. Public Hearing #2017-05: The applicant, Michael Pate/Nikki Huggins of Electric Guard Dog, LLC, has filed a request for a variance to allow an electric fence in an I-1 (light industrial) district at 1931 1st Street.
5. Public Hearing #2017-06: The applicant, Sue McDevitt, has filed a request for a variance of 2 feet of the 6 foot maximum height for a fence in an R-2 (one family residence) district surrounding the residential property at 2940 17th Street.
6. Other Business
7. Adjournment

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

Regular Meeting

7:00 p.m.

March 8, 2017

ATTENDANCE:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
(x) Kevin Day		(x) Karen Williams
(x) Dave McAdam		(x) Larry Tschappat
(x) Gary Snyder		(x) 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. Tschappat made a motion to approve the Minutes of the February 8, 2017 meeting. Mr. Wild seconded the motion, and it passed unanimously.

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

Public Hearing #2017-03 - Request from Terry Woolison for a variance to allow a second ground level dwelling unit in the rear of a commercial structure in a B-1 (neighborhood business) district at 1303/1305 30th Street.

Mr. Fries presented the staff report. He explained the Zoning Ordinance requires that dwelling units in a B-1 zoning district be above a ground level (Section 25.2N). The applicant proposes to reestablish a second dwelling unit on the ground level of the commercial structure.

The applicant desires to re-establish a second ground level apartment dwelling unit in the rear of the structure (commercial spaces are in the western front of the structure). One of the past commercial tenants expanded into part of the dwelling space for its use and the balance of the space was not useable for a dwelling, so it remained unused. Currently there is one dwelling unit in the rear of the structure that was established prior to the current ordinance, so it remains an allowable nonconforming use. Both residential uses would have separate entrances.

There is a rear yard improved parking area with 8 off-street parking spaces with access to the alley. The site meets ordinance parking requirements for the two residences and the commercial space.

Chairman Snyder called for proponents.

Terry Woolison, 914 W. Donahue Street in Eldridge, Iowa, was sworn in. He said he is trying to sell the property and that prospective buyers are interested in reestablishing the second dwelling on the property along with utilizing the commercial space. He said the former second residential space is in the rear making it not as feasible for commercial use.

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

Decision Case #2017-03 -- Ms. Williams made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. There had been a second dwelling at one time at the property, but one of the past commercial tenants expanded into part of the dwelling space.
3. The proposed variance will not alter the character of the neighborhood.

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

Public Hearing #2017-04 - Request from the Rock Island County Building Commission for a variance of 12 feet of the 45 foot maximum building height, a variance of 3 feet of the 6 foot maximum fence height and a variance of 18 feet of the 25 foot separation requirement for an exterior flammable liquid storage tank from a structure in a B-3 (community business) district at 1401 3rd Avenue.

Mr. Fries presented the staff report. He explained that The zoning ordinance requires a maximum height of 45 feet in a B-3 district (Section 27.6), a maximum fence height of six feet in districts other than industrial districts (Section 8.12) and a 25 foot separation requirement between an exterior wall and bulk storage for flammable liquids (Section 34.9B).

The applicant proposes to construct an approximate three-story, 53,000 square foot building addition to the north side of the existing Justice Center structure along with locating a 1,500 gallon flammable liquid storage tank to the north of the existing Justice Center and a 9 foot architectural ornamental steel picket fence surrounding a secured surface parking lot off of 2nd Avenue. The proposed project is expected to be completed by December 2018.

The three story addition will have 6 courtrooms and several court related offices (Circuit Clerk, States Attorney and court administration) relocated from the existing Courthouse. The addition will be connected to the existing Justice Center by two above ground passageways. Public access to the new addition will be through the existing 3rd Avenue secured entrance. The proposed 57 foot height addition is 22 feet less in height than the 79 foot existing Justice Center (received a height variance in 1988). The north building setback will be approximately 23 feet.

The 9 foot tall steel picket fence will enclose a 27 space secured parking area to be used by judges and other court personnel. Access will be from 2nd Avenue. The proposed diesel fuel tank/generator will be used for emergency backup for the Justice Center power system as the County Jail has its own existing underground storage tank for the backup generator). The City Fire Marshall has no objections to the location of the diesel fuel tank because there are noncombustible exterior walls adjacent to its proposed location and there are also no nearby openings.

The proposed development will result in the relocation of 170 surface parking from the subject site to County owned parking lots on the south side of 3rd Avenue. The Board approved several landscape variances for a 122 employee parking lot between 12th and 14th Street. The County also improved a 91 space public parking lot at the southeast corner of 3rd Avenue and 14th Street (218 total parking spaces added), so no parking variances are required for the development.

Mr. Tschappat said he does think the unique circumstance identified in the staff report is appropriate because the Board does not set precedence by approving a prior height variance on the site and that each request is considered on a case-by-case basis.

Chairman Snyder called for proponents.

Jim Hass, 3610 78th Avenue West and a representative of the construction management team for the proposed addition, was sworn in. He said the need for the height variance was so that a three story building addition could be constructed in order to get the necessary building area to relocate the courtrooms and offices into the new addition. He said the fence height variance was needed to provide adequate security for judges and court personnel. He said that the proposed generator was similar to one located at the new Rock Island Police Station and the proposed location has been signed off by the City Fire Marshall. He added that the connected walkways are proposed to provide better security during the movement of prisoners from the jail to the courtrooms. He concluded by saying they hope to begin work next week and have the structure enclosed before winter.

Ms. Williams said she understands the need to provide security fencing around the proposed judge's parking lot. She asked if County personnel are always monitoring the security cameras for the County parking lots across the street. Mr. Hass replied that they were monitored.

Decision Case #2017-04 – Mr. Wild made a motion to approve the request because:

1. The proposed variances will improve courtroom space and security for the County.
2. The proposed variances are unique to the new justice system.
3. 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 two cases for the regular April 12, 2017 meeting.

Adjournment:

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

Respectfully submitted,
Ryan Berger
Interim Planning and Redevelopment Administrator

REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: March 31, 2017

SUBJECT: Case #2017-05- Request for a variance to allow an electric fence in an I-1 (light industrial) district.

Applicant:
Michael Pate/Nikki Huggins of Electric Guard Dog, LLC

Location:
1931 1st Street

Request:
To allow a variance to allow an electric fence in an I-1 (light industrial) district.

Size of Property:
The property measures 351' x 280.5' x 387.4' x 360' (approximately 121,968 square feet).

Zoning History:
None.

Existing Land Use and Zoning:
The site has two industrial structures. The subject area is the southerly segment, which is occupied by a towing business outside vehicle storage and structure. The surrounding area is primarily industrial uses, zoned I-1.

Topography:
The site is generally flat and slightly above street level.

Affected Requirements:
The zoning ordinance requires that electric fences only be located in agricultural and SE-1 (suburban estates) districts (Section 8.12). The applicant proposes to maintain a 10 foot tall electric fence surrounding the towing business site.

Conditions to Authorize Variances:

1. Reasonable Return: The proposed fence will improve the return on the property by providing better security.

2. Unique Circumstances: None.
3. Character Alteration: The proposed variance will not alter the character of the neighborhood.

Comments:

Staff became aware of the proposed electric fence and contacted the owner about the need for the variance. The applicant desires to maintain the electric fence that surrounds the towing storage yard and structure. The fence was located on the property without a variance or building permit and staff contacted the owner for the need for the variance. The applicant explains that the electric fence is needed in order to reduce the potential for vehicle equipment theft on the property. The applicant also has a towing storage facility at 2550 5th Street and received a variance there to locate a similar electric fence after experiencing thefts from people scaling a six foot tall privacy fence and stealing car stereos and other electronic equipment from vehicles parked in that outside storage yard. Two other vehicle storage businesses in the Quad City area have erected similar electronic fences at their businesses.

The subject electric fence will be located inside the existing six-foot tall chain link fence. Signs are already posted identifying that there is an electric fence surrounding the vehicle storage area.

The “voltage” of the fence will be less than the maximum allowed in the Zoning Ordinance (ordinance requirements are to not exceed 25 milliamperes nor a pulsating current lower than one-tenth second in a one-second cycle). These voltage levels are set for agricultural uses. The voltage for the proposed fence will be set much lower (since it will be set to deter, not injure, humans).

Recommendation:

That the variance be approved because it will improve the return on the property by providing better security and it will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS 2017-5

Legend

-  Subject Property
-  Parcels

DR. BY: K.G.D.

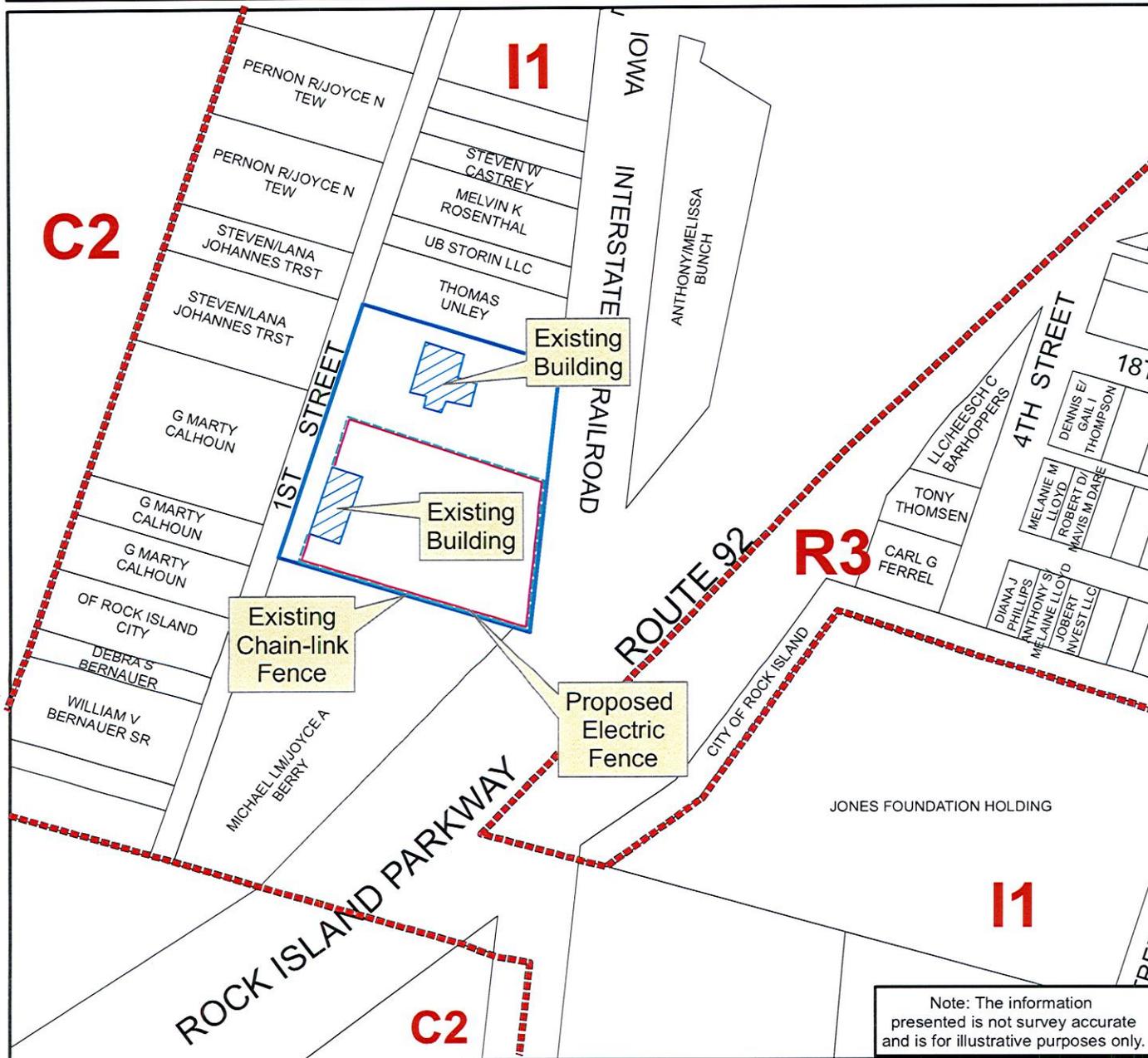
APPR. BY: R.B./A.F.



0 50 100 200 300 Feet

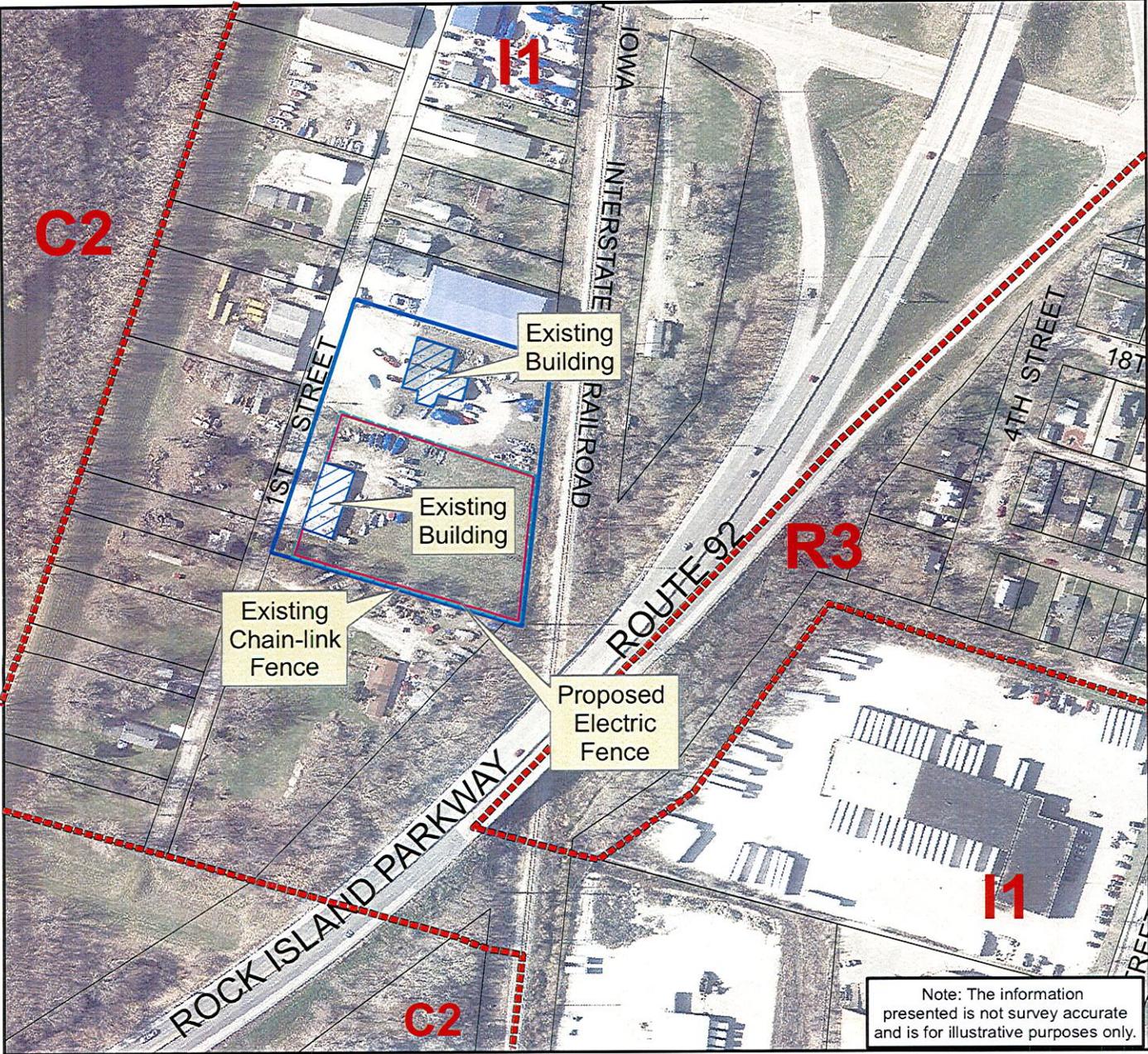
City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



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

BOARD OF ZONING APPEALS



BOARD OF ZONING APPEALS 2017-5 Aerial

Legend

-  Subject Property
-  Parcels

DR. BY: K.G.D.
APPR. BY: R.B./A.F.



0 50 100 200 300 Feet

City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



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

#	DATE	DESCRIPTION

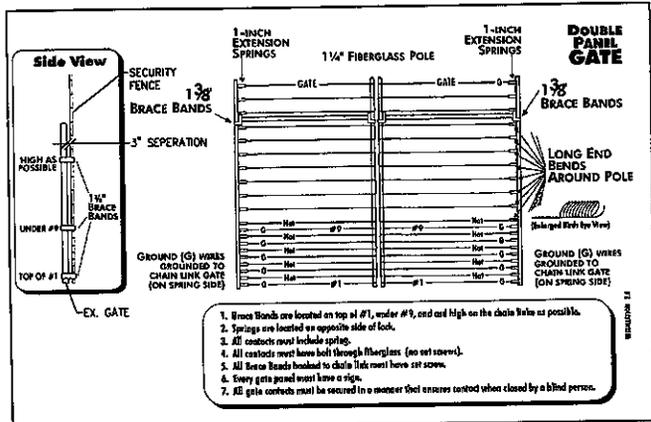


Electric Guard Dog
 121 Executive Center Drive, Ste 230
 Rock Island, IL 61201
 PHONE: 815-766-6333
 FAX: 815-766-5378

PROJECT: REQUEST TO AUTHORIZE A SECURITY SYSTEM
 1931 1ST STREET
 ROCK ISLAND, IL 61201
 PN: 10108-A
 SHEET TITLE: TYPICAL DETAILS

DATE: FEB. 20, 2017
 SCALE: N/A

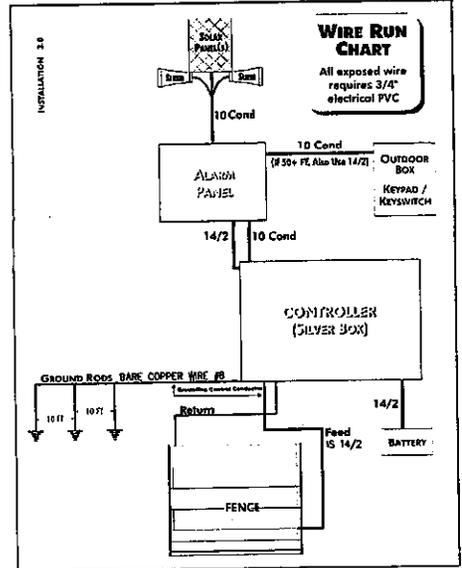
SHEET
3 OF 3



NOTE: GATE MOUNTS WILL NOT AFFECT FUNCTIONALITY OF THE GATE(S).

GATE DETAIL

NTS



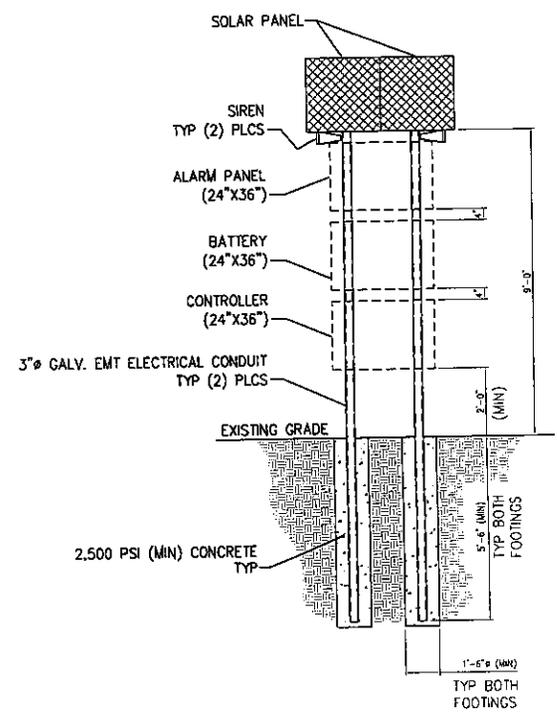
WIRE RUN DETAILS

NTS

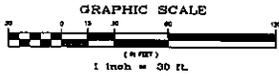
OUTSIDE MOUNTED ELECTRONICS

MOUNT THREE EMPTY GALVANIZED SILVER BOXES TO A PAIR OF 3" GALVANIZED EMT ELECTRICAL CONDUIT STEEL POLES.

THE BOTTOM OF THE LOWEST BOX MUST BE AT LEAST 2 FEET ABOVE GROUND LEVEL, AND THE POLES MUST BE ANCHORED AT LEAST 5'-6" BELOW GROUND LEVEL.

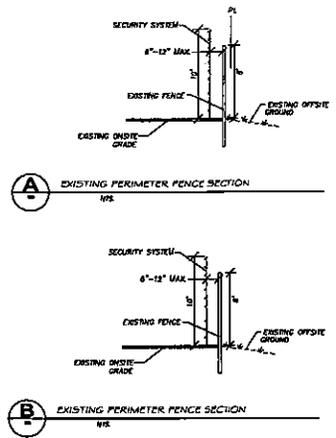
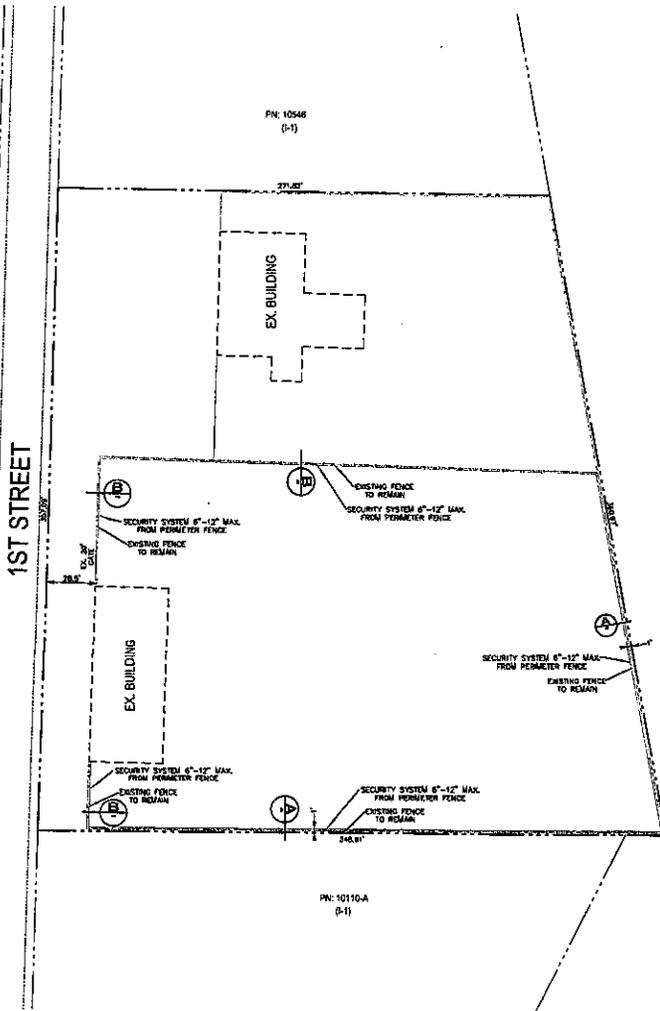


STEEL POLE DETAIL



**SITE PLAN
REQUEST TO AUTHORIZE A
SECURITY SYSTEM
QUAD CITY TOWING
1931 1ST STREET
ROCK ISLAND, IL 61201**

LEGEND		#	DATE / DESCRIPTION
---	ROW LINE		
---	BOUNDARY		
---	PROPERTY LINE		
---	SEWERAGE		
---	LANDSCAPE EASEMENT		
---	EXISTING SCREEN FENCE		
---	EXISTING FENCE		
---	PROPOSED SECURITY SYSTEM		
---	LS = LANDSCAPE AREA		



Electric Guard Dog
121 Executive Center Drive, Ste 230
Columbia, SC 29210
PHONE: 803-404-5378
FAX: 803-404-5378

DEVELOPER
Quad City Towing
1931 1st Street
Rock Island, Illinois 61201

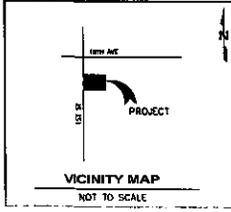
PROJECT DATA	
PN:	10110-A
ACREAGE:	2.8 +/- NET ACRES 2.8 +/- GROSS ACRES
BUILDING FOOTPRINT:	4,000 TOTAL SF.
LOT COVERAGE:	0.5% COVERAGE
ZONING:	EXISTING L-1 PROPOSED: T-1
PARKING:	REQUIRED: 8 SPACES PROVIDED: 8+ SPACES
MINIMAL STREET SPACES:	FRONT (STREET) - 20' SIDE - 7' REAR - 7'
NOTES:	POLE LOCATIONS: STEEL POLES TO BE LOCATED APPROXIMATELY ON EACH CORNER OF GARAGE & ENTRY BY COR. OR DESIGNER POLES TO BE LOCATED APPROXIMATELY EVERY 30'
DISCLAIMER:	FIELD CONDITIONS MAY DIFFER FROM WHAT IS SHOWN ON THESE PLANS. CONSULT WITH THE ENGINEER FOR ANY DISCREPANCIES.

STORM DRAIN:
THERE IS NO EXISTING STORM DRAIN ADJACENT TO THE PROPERTY. NO STORM DRAIN IS BEING PROPOSED AS PART OF THIS PROJECT.

UTILITY RIGHT-OF-WAY/ENCUMBRANCE NOTE:
THERE ARE NO UTILITY RIGHT-OF-WAY OR ENCUMBRANCES LOCATED ON THE PROPERTY.

ORANGE PREGRADEMENT NOTE:
THIS PROPERTY IS NOT LOCATED IN THE 100-YEAR FLOOD ZONE. THERE ARE NO PROVISIONS OR ORANGE PREGRADEMENTS ON THE PROPERTY.

LANDSCAPE/PREVENTATIVE NOTE:
ALL COMMON AREA LANDSCAPE WILL BE MAINTAINED BY A LANDSCAPE MAINTENANCE ASSOCIATION. THERE ARE NO RESTRICTIONS FOR FENCES, SCHOOLS OR OTHER PUBLIC USES.



**PROJECT: REQUEST TO AUTHORIZE A SECURITY SYSTEM
1931 1ST STREET
ROCK ISLAND, IL 61201
PN: 10110-A**

SHEET TITLE: **SITE PLAN**

DATE: FEB. 20, 2017

SCALE: 1" = 30'

SHEET
1 OF 3



REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
Planning and Redevelopment Division

DATE: March 31, 2017

SUBJECT: Case #2017-06- Request for a variance to allow an eight foot tall chain link fence in an R-2 (one family residence) district.

Applicant:
Sue McDevitt

Location:
2940 17th Street

Request:
To allow a variance of 2 feet of the 6 foot maximum fence height requirement in an R-2 (one family residence) district.

Size of Property:
The property measures 351' x 46' x 161.8' x 402' (approximately 36,449 square feet).

Zoning History:
None.

Existing Land Use and Zoning:
The site is occupied by a single family residence. To the north and south are single family residences, zoned R-2. To the west is a cemetery, zoned R-2. To the east are single family residences, zoned R-2 and a dentist's office, zoned O-1.

Topography:
The site slopes down 14 to 16 feet from street level and then slopes up approximately 10 feet from a creek bed in the eastern segment of the site to where the residence is located.

Affected Requirements:
The zoning ordinance requires a maximum height of 6 feet for a fence in a residential zoning district (Section 8.12). The applicant proposes to install a black 8 foot tall chain-link fence surrounding the residence on the property.

Conditions to Authorize Variances:

1. Reasonable Return: The proposed fence will improve the return on the property.
2. Unique Circumstances: The property slopes down from the street, so the taller fence will not be easily visible from the street.
3. Character Alteration: The proposed variance will not alter the character of the neighborhood.

Comments:

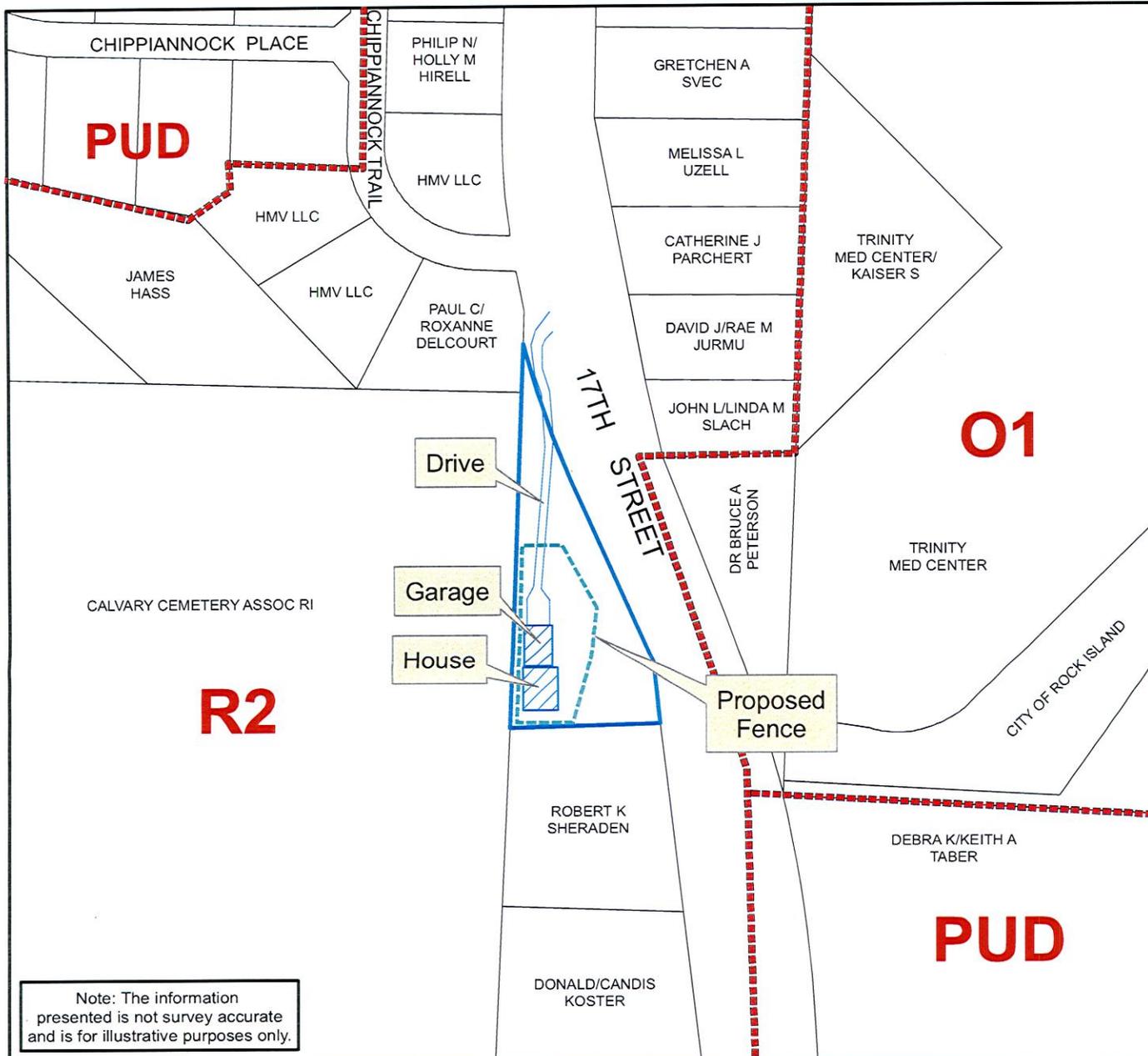
As described in the attached letter from the applicant the reason for the taller fence is to keep the growing deer population out of her yard in order to protect her garden (see attached letter). The letter identifies an article from the University of Illinois Extension service that indicates that “white-tailed deer are excellent jumpers. Permanent fences need to be at least 8-feet high to keep deer out of the area”.

The proposed fence will be painted black to blend in more with the heavily wooded property. The applicant has placed markers to identify where the fence will be located in relation to property lines and 17th Street (see attached photos). Due to the sites slope down from 17th Street the fence will not be easily visible from the street or adjacent properties.

Recommendation:

That the variance be approved because it will improve the return on the property, the site slopes down from the street making the taller fence not visible from the street view and it will not alter the character of the neighborhood.

BOARD OF ZONING APPEALS



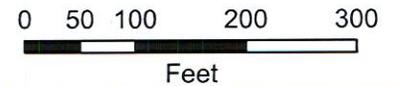
BOARD OF ZONING APPEALS 2017-6

Legend

-  Subject Property
-  Parcels

DR. BY: K.G.D.

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



City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



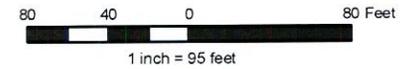
Untitled



- Parcels
- Streets
- 2 ft Contours



DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation. The accuracy of this map is limited to the quality of the records from which it was assembled. Other inherent inaccuracies occur during the compilation process. The City of Rock Island makes no warranty concerning this information.



Printed on: March 9, 2017

Author:

February 22, 2017

Dear Neighbors,

For about half of the 48 years we have lived in our home at 2940 17th Street we never saw a deer. The first sighting was such a surprise I ran and got the camera. But once they came they multiplied like gangbusters, and last year (winter of 2016) I counted a herd of 25 moving together through the edge of the woods behind our house. We are grateful for the bow hunting which is now allowed in Rock Island, but thus far the evidence suggests to us that the herd is still growing, not shrinking as we had hoped.

For many years we have tried just about all of the suggested remedies --- soap, hair, coyote urine, and all sorts of repellent sprays and granules --- to keep the deer from eating our flowers, bushes, and other plantings. Last summer was the final blow. Despite weekly spraying of our whole yard, which took about three hours each time and was costly, the deer devastated our yard. Since my hobby is gardening that was crushing.

Our last hope is fencing. The problem we immediately encountered is that those who know the abilities and behavior of deer indicate that deer can easily jump significantly higher than the allowable height for fences in residential areas of Rock Island. For example, the following is taken from the University of Illinois Extension Service in the article "Living with White-tailed deer in Illinois":

"White-tailed deer are excellent jumpers. Permanent fences need to be at least 8-feet high to keep deer out of an area."

Considering the fact that the slope of our land is such that everywhere a fence could be placed would provide the opportunity for a deer to approach it on a downhill run, we feel that anything short of 8 feet would be a waste of money.

We can go to the RI Zoning Board to request approval for a zoning variance to build an 8 foot fence. Before deciding to do that, we wanted to ask our neighbors their feelings about the matter. Because of the placement and slope of our property, we think such a fence would not be an eyesore to people in the neighborhood or to people driving by on 17th Street.

We have made a small mock up showing the height and placement we envision for the fence along the east side of our property (along 17th Street). It consists of four 10 foot poles with a yellow rope strung from one to the other at the height of 8 feet. Since the city's easement is considerably steeper than 8 feet, and our property begins at the bottom of the hill, you probably will need to come to the guard rail on our side of the street or into our yard even to spot it.



Looking South



LOOKING SOUTHEAST



LOOKING SOUTH



LOOKING NORTH EAST