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October 17, 2019

Honorable Mayor and City Council
Kewanee City Hall
401 E. Third Street
Kewanee, Illinois 61443-2365

RE: Report from Zoning Board of Appeals for October 16, 2019 Meeting.

The Zoning Board of Appeals convened at 7:00 p.m. on October 16, 2019 Kewanee City Hall, Council Chambers. ZBA members Medley, McIntire and Dolieslager were absent. For business, there was one variance petition application upon which to conduct a public hearing.

700 S Main St., Request for a variance to the allowed materials for a fence in a residential district.

The Subject Property:

Address: 700 S. Main St.

Legal Description: LOT 22 BLK 3 E OF ST MORTON PLACE ADD CITY OF KEWANEE [EZ], County of Henry, State of Illinois.

Location: Southeast corner of South Main Street and Roosevelt Ave.

Zoning: B3 Business and Wholesale District.

Dimensions: 52 feet North to South by 130 feet East to West, 6,760 Sq. Ft area.

Existing Buildings or Uses: Single-family dwelling and detached garage.

Existing Land Use Map: High Density Residential.

Proposed Land Use Map: Commercial.

The Surrounding Area:

Zoning District(s): Surrounding land is zoned B3 Business and Wholesale District to the North, West and South and R2 One-Family Dwelling District to the East.

Uses of Land:

The surrounding land contains Single-Family dwellings to the North, East and South and Commercial uses to the West.

Variance Requested:

A variance to the allowed materials for a fence within a residential district to allow the completion of a fence already in process of construction using materials (doors) not listed within section §155.060-(E)-(5)-(f) & §158.160 of the City Code.

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PLEASE NOTE: If the Board is so inclined to make a recommendation to allow the doors as a fencing material, the Board should also make a second recommendation concerning the fence height and whether or not the doors shall all be of a uniform height of 6 feet.

Background Information:

On September 3rd I received a complaint concerning a fence being constructed out of doors. I checked the building permit file and saw no evidence of a permit being applied for. I took photos of the fence and mailed a notice to the resident/owner advising them to remove the fence. The notice advised that they must apply for a fence permit AND that the materials listed were not allowed per City Ordinance.

On September 10th I met with Brenda Weston at City Hall. Brenda inquired about the process to keep the fence. She was advised of the variance process and filed the appropriate paperwork to file for a building materials variance.

It should be noted that the doors being used are not only prohibited by City Ordinance but they also exceed the permitted height.

Here is what the old code states under permitted obstructions in a Residential District:

(5) Permitted obstructions. The following shall not be considered as obstructions when located within or over required yards:

(f) Fences and walls. Decorative concrete, concrete block, chain link, redwood, cedar, or other weather-resistant wood fences will be permitted in all residential areas under the following conditions:

1. Eight feet in height or under.
2. Side and rear yards only and front yards as hereinafter restricted.

These provisions and the following restrictions on front yard fences shall apply to all residential districts including R-1, R-2, R-3, R-4 and R-5.

3. Front yard fences must be constructed of a material which will permit 70% visibility through said fences and such front yard fences shall not exceed four feet in height.

4. No sharp pointed pickets (either wood or metals) permitted.
5. No barbed wire fences permitted.
6. No chain link topped by barbed wire strands permitted.
7. All fences shall be kept in good repair and appearance maintained.

Here is what the new code states:

(B) Materials.

(1) Residential districts. Acceptable materials for constructing fencing, walls and decorative posts include wood (that is designed, milled and treated as such to be used for fencing purposes), stone, brick, wrought iron, vinyl and chain link. Any fence within a street yard,

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including along property lines that intersect a right-of-way, shall have 70% visibility. All fences must be kept in good repair and appearance maintained.

Neither ordinance allows for doors as a fence building material in a residential district.

The Public Hearing:

At 7:00 p.m. on October 16, 2019, the hearing on the variance requests at 700 S Main St. was held. **Patrick and Brenda Weston** of 700 S. Main St., Kewanee, Illinois, were present to represent the petition for the variance request.

- Brenda Weston handed the board a petition signed by individuals stating they liked the fence. However, there were no persons in attendance to support the petition.
- ZBA member Peart stated he thought the fence looked interesting.
- Brenda stated that some of the doors need to be replaced because they didn't get a chance to weather proof them prior to receiving the Stop Work Order from the City.
- Brenda said the reason for the fence is for her dogs, claiming that you see dogs jump fences all the time but you never see a dog jump over a door.
- ZBA member Peart asked if there was a complaint, Edwards stated he received a complaint via a phone call from a resident that lives in that neighborhood.
- Brenda stated that she spoke to all the neighbors and they all really liked the fence.
- Brenda said that she is willing to change the height and paint them however needed.
- Patrick Weston said the way the fence is built will allow them to replace doors as they go bad as needed.
- ZBA member Brackett inquired about the cinder blocks, adjacent to the sidewalk and fence, that need repair. The Westons stated they plan to repair the blocks.
- ZBA member Thompson stated that he felt this particular type of fence does not belong within the City Limits.
- ZBA member Clark stated that he did not like how the fence looks.
- ZBA member Brackett also stated that he doesn't find the fence attractive and felt it's more suitable outside of the City.

No others were present to speak in support of the variance petition.

No others were present to speak in opposition to the variance petition.

Recommendation:

After discussing the facts and testimony presented, the Zoning Board of Appeals recommends, based on the authority of §33.062 of the City Code, by a vote of one in favor of the application, three opposed to the application, that the City Council does not grant the variance petition as filed.

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Specifically, the Zoning Board of Appeals recommends the City Council does not grant the following variance to Patrick & Brenda Weston for their property at 700 S. Main St., as to the materials used for a fence:

Variance Requested:

A variance to the allowed materials for a fence within a residential district to allow the completion of a fence already in process of construction using materials (doors) not listed within section §155.060-(E)-(5)-(f) & §158.160 of the City Code.

There being no further business, the meeting adjourned at 7:16 p.m.

Respectfully yours,

Martin Medley ^{By:} *KMD*

Martin Medley, Chairman

Zoning Board Date 10/16/19 700 S. Main St.

Attendance

	yes	no	yes	no	yes	no	yes	no	yes	no	yes	no
	abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent
PEART Jeremy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BRACKETT Stephen	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CLARK Richard	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MEDLEY Martin	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
THOMPSON Jerry	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCINTYRE David	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOLIESLAGER Lance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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