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June 18, 2020

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

RE: Report from Zoning Board of Appeals for June 17, 2020 Meeting.

The Zoning Board of Appeals convened at 7:00 p.m. on June 17, 2020 via ZOOM Meetings. ZBA members Peart, Clark and Dolieslager were absent. For business, there was one variance petition application upon which to conduct a public hearing.

Case 1:

412 W. 5th St., request to allow a 6 foot fence (wrought iron) to be installed at the property lines in the required front yard.

Tito Martinez, owner of 412 W 5th St., inquired about installing a 6 foot wrought iron fence at the front property lines. Martinez was advised that a fence greater than 4 feet in height in a front yard or required street yard is not allowed by ordinance. I explained that he could apply for a variance to the Zoning Board of Appeals and how the process works. Martinez agreed to follow the process and submitted for a variance petition.

The proposed fence would run along the front property line (East West) on W 5th St. and along the side property lines (North South) along both neighboring properties. The proposed fence material is wrought iron and would enclose the entire yard space. Please see the enclosed written narrative from Martinez stating the reason for the requested variance.

The Subject Property:

Address: 412 W. 5th St.

Legal Description: LOT 1 PYLES SUB OF BLK 5 TENNEYS 2ND ADD CITY OF KEWANEE.

Location: North side of the 400 block of W 5th St. near the intersection of Lexington Ave.

Zoning: B3 Business Service & Wholesale District.

Dimensions: 144 feet North to South by 60.6 feet East to West, 8726 Sq Ft area.

Existing Buildings or Uses: One family dwelling with detached garage.

Existing Land Use Map: Low Density Residential.

Proposed Land Use Map: Commercial.

The Surrounding Area:

Zoning District(s): Surrounding land is zoned B3 Business Service & Wholesale District to the North, West, East and Southeast & R3 Single-Family Dwelling District to the South, Southwest and far West.

Uses of Land:

The surrounding land contains mostly single-family dwellings an automotive repair business to the Southeast.

Variance Requested:

A variance of 2 feet to the maximum allowable fence height in a front yard to allow installation of a 6-foot wrought iron fence at the front property lines.

Background Information:

With consideration to the surrounding neighborhood characteristics and after speaking with the City Manager about this petition: The City has no recommendation and encourages all Zoning Board members to perform their own on-site inspection prior to the meeting. The City believes the proposed fence material will have greater than the required 70% visibility as required by ordinance. Please see the fence ordinance section that applies to this case at the end of this memo.

The Public Hearing:

At 7:00 p.m. on June 17, 2020 the hearing on the variance request at 412 W 5th St. was held. **Tito Martinez** of 412 W 5th St., Kewanee, Illinois, was not present to represent the petition for the variance request. Edwards attempted to call Martinez to ask him to join the meeting, there was no answer.

- Edwards read the petition out loud to the board members.
- Thompson stated he looked at the property and the surrounding neighborhood and stated that he was not in favor of the request.
- Ensley stated he agreed with Thompson. Ensley said if a six foot fence were to be allowed that Martinez would have to get a post office box because a mail carrier would not deliver inside. Ensley stated that Martinez is advertising viscous dogs. Ensley said that a four foot fence should be adequate.
- McIntyre stated that he would be concerned with access to the house for ems, police and fire. McIntyre stated he was not in favor of the request.
- Brackett agreed with the other members and stated he was also not in favor of the request.
- Thompson commented that the ZBA turned down the request for a six foot chain link fence once before and the City Council overturned the recommendation. Thompson stated he would put this in the Council's hands.
- McIntyre made a motion to deny the request. Ensley second the motion.

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 four in favor, none opposed, three absent, that the City Council deny the variance petition as filed.

Specifically, the Zoning Board of Appeals recommends the City Council denies the following variance to Tito Martinez for his property at 412 W. 5th St., A variance of 2 feet to the maximum allowable fence height in a front yard to allow installation of a 6-foot wrought iron fence at the front property lines.

There being no further business, the meeting adjourned at 7:07 p.m.

Respectfully yours,



Jerry Thompson, Chairman

By: 

