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March 17, 2022

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

RE: Report from Zoning Board of Appeals for March 16, 2022, meeting.

The Zoning Board of Appeals convened at 5:00 p.m. on March 16, 2022, in the Council Chambers at Kewanee City Hall. All ZBA members were present. For business, there was one variance petition application upon which to conduct a public hearing.

134 W. Kellogg St., A variance of 18 inches to the maximum allowed height of a privacy fence allowed Residential District to allow for the construction of a 7' 6" tall privacy fence.

Background Information:

Donald Lindstrom met with me last September to discuss the installation of a privacy fence on his property. Lindstrom expressed wanting to install an 8 feet tall privacy fence. I advised the maximum height for privacy fences in residential zoning is six feet. We discussed the variance process if Lindstrom wished to pursue a possible variance to the current ordinance. Lindstrom decided not to apply for the variance and submitted a building permit for a 6 feet tall wood privacy fence. Lindstrom was issued a permit for the 6 feet tall privacy fence and was given an inspection letter along with the permit. (See copies of the permit application, issued permit and inspection letter attached to this memo).

Early February of this year, I happened to be driving in the neighborhood of 134 W. Kellogg St. and notice the fence that was installed appeared to be much greater than six feet in height. I spoke with Lindstrom on the phone, and he stated that the fence was only a "few inches" taller than six feet. I expressed my concerns that it looked taller than just a few inches.

On February 14, 2022, I researched the permit file to verify if the final inspection had been performed on Lindstrom's fence permit, it had not. I drove to 134 W. Kellogg St. to perform the required final inspection. When measuring the fence, I found it to be 7 feet 6 inches tall which is 18 inches taller than permitted in a residential district by City Ordinance. I sent Lindstrom a notice (copy attached to this memo) advising him of the violation.

Lindstrom met with me at City Hall on February 22, 2022, to begin the variance process.

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The Subject Property:

Address: 134 W. Kellogg St.

Legal Description: LT 9 & E 50 LT 10 PARKERS SUB OF LT 118 ORIG TOWN OF WETHERSFIELD CITY OF KEWANEE, County of Henry, State of Illinois.

Location: 100 Block of W. Kellogg St. on the North side of the street.

Zoning: R-2 One-Family Dwelling District.

Dimensions: 152 feet North to South by 110 feet East to West., 16,720 Sq Ft area.

Existing Buildings or Uses: Single family dwelling with attached garage.

Existing Land Use Map: Low Density Residential.

Proposed Land Use Map: Low Density Residential.

The Surrounding Area:

Zoning District(s): Surrounding land is zoned R-2 One-Family Dwelling District in all directions.

Uses of Land:

The surrounding land contains single-family dwellings.

Variance Requested:

A variance of 18 inches (1.5 feet) to the maximum allowable fence height in a residential district to allow a privacy fence with a height of 7 feet 6 inches.

The City has no argument for or against the variance being granted.

The Public Hearing:

At 5:00 p.m. March 16, 2022, the hearing on the variance request at 134 W Kellogg St. was held. Donald Lindstrom was present to represent the petition.

- Edwards read the background information to the Zoning Board.
- Edwards stated he had not received any calls in response to the post cards that were mailed to all property owners within 300 feet of the subject property.
- Edwards noted that during his initial discussion with Lindstrom that Lindstrom had voiced a concern of blocking view of, what appears to be on the satellite photo, a garden area directly behind/North of his property. Lindstrom wanted to build an 8-foot fence to block view of the garden which is at ground level. Based on this Edwards told Lindstrom that a 6-foot fence would block view of the garden and he has his doubts about the variance being granted but that Lindstrom could absolutely

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try for it. Edwards recently heard that Lindstrom also wanted to block view of a building North and one lot West of his property.

- Edwards stated that the craftsmanship of the fence looked to be very good.
- Lindstrom said that he hoped that the variance passes and shared a photo of the fence with the board members.
- Kuffel stated that she spoke to some of the neighbors and the only concern she heard was they didn't want Lindstrom to continue the same fence height down the side lot lines. Lindstrom stated he has no intention of doing this.
- Kuffel said the only problem she has with the fence is that Lindstrom applied for a 6-foot fence, but it is obvious that his intentions were to build a much higher fence as the posts are much taller than 6 feet. Kuffel questioned why the case wasn't being heard prior to the fence being built.
- Martinez stated he didn't see any issues with the fence.
- Peart had questioned the zoning of the building that Lindstrom was trying to block the view of. There was some discussion concerning the Lawful Nonconforming status of the building.
- Ensley stated he appreciated the quality of the construction and had no issues.

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 7 in favor of the application, none opposed that the City Council grant the variance petition as filed.

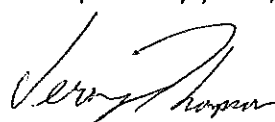
Specifically, the Zoning Board of Appeals recommends the City Council grant the following variance to Donald Lindstrom at 134 W. Kellogg St.

Variance to be recommended to the City Council:

A variance of 18 inches (1.5 feet) to the maximum allowable fence height in a residential district to allow a privacy fence with a height of 7 feet 6 inches.

There being no further business, the meeting adjourned at 5:18 p.m.

Respectfully yours,



Jerry Thompson, Chairman

By: 

Zoning Board

Date 3/16/22

Attendance

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