

The following are minutes of the Bettendorf Board of Adjustment and are a synopsis of the discussion that took place at this meeting and as such may not include the entirety of each statement made. The minutes of each meeting do not become official until approved at the next board meeting.

**MINUTES  
BETTENDORF BOARD OF ADJUSTMENT  
MAY 9, 2019  
5:00 P.M.**

Gallagher called the meeting to order at 5:00 p.m.

Item 1. Roll Call

PRESENT: Falk, Spranger, Tombergs  
ABSENT: Clements, Gallagher  
STAFF: Fuhrman, Soenksen

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of April 11, 2019.

On motion by Tombergs, seconded by Spranger, that the minutes of the meeting of April 11, 2019 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to hold a public hearing on the following items:

- a. **Case 19-032; 3145 Welshire Drive (R-2)** - A request for a variance to reduce the required front yard setback from 25 feet to 17 feet to allow for a 20-foot by 8-foot deck, submitted by Dan and Deb Dunn.

Falk asked if there was an affidavit of publication. Soenksen stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Soenksen reviewed the staff report. Staff report is Annex #3 to these minutes.

Falk explained that because only 3 members were present, any decision would have to be unanimous. He added that if at any point in the proceedings an applicant chooses to withdraw their application, he or she should do so prior to the vote.

There being no one present wishing to speak in favor of or in opposition to the request, Falk closed the public hearing.

Spranger commented that there does not appear to be a precedent in the neighborhood for this type of request and that it would be an anomaly.

Tombergs commented that because the applicants are not present, there is no way to ascertain their reason for wanting to build a deck in the front yard. She added that absent that information, the Board has only the Code to guide their decision.

Soenksen explained that the proposed deck is considered to be a structure but that the applicants could choose to pour a concrete patio of the same dimensions instead. Tombergs asked if the owner is aware of that option. Soenksen confirmed this.

Spranger asked if there are other concrete patios in the front yard in the neighborhood. Falk commented that he did not see anything other than a concrete stoop in the front yards.

On motion by Spranger, seconded by Tombergs, that a variance to reduce the required front yard setback from 25 feet to 17 feet to allow for a 20-foot by 8-foot deck be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 19-033; 4250 Sapphire Lane (R-2) - A request for a variance to allow a 6-foot high fence in the required front yard adjacent to International Drive, submitted by Greg Reckman.

Falk asked if there was an affidavit of publication. Soenksen stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Soenksen reviewed the staff report. Staff report is Annex #5 to these minutes. He added that a letter of objection had been received from Roy Shipp of 4202 Sapphire Lane.

Tombergs asked for confirmation that staff has no issues regarding line of sight if the variance is approved given that Shipp expressed that very concern. Soenksen explained that when courtesy letters are mailed to the neighbors, they are not necessarily specific as to the exact location of the proposed fence. He added that Shipp may have thought that

the fence would extend to the intersection of International Drive and Sapphire Lane. He stated that the proposed fence would not at all encroach into the required 35-foot vision triangle.

Spranger commented that the Board has approved variances for 6-foot high fences in required front yards along highly-trafficked streets. Tombergs asked if the current case would fit into that category.

Spranger asked if the applicant could have a 6-foot high fence on the north side but that it would have to taper lower to the west. Soenksen confirmed this.

Tombergs asked if there are any other 6-foot high fences in front yards in the neighborhood. Soenksen stated that he is unaware of any similar cases.

Falk asked if there was anyone present wishing to speak in favor of the request.

Greg Reckman, the applicant, expressed concern about the increasing amount of vehicular traffic along Forest Grove Drive and pedestrians along the bike path. He explained that a 4-foot high fence would not be adequate to prevent people on Forest Grove Drive from looking into his house and have access to his children playing in the yard. He stated that there have been variances granted for 6-foot high fences in his subdivision.

Falk asked if the fence parallel to Forest Grove Drive could be 6 feet tall and that a fence along International Drive would have to be 4 feet tall. Soenksen demonstrated the location where a 6-foot high fence would be allowed to be located if required setbacks are observed. He commented that there are 3 required front yards on the property. Falk commented that the applicant's main concern seems to be the traffic along Forest Grove Drive where a 6-foot high fence would be allowed for a portion of the lot. Reckman stated that he wants to have a 6-foot high fence on the west because pedestrians and motorists along Forest Grove Drive can see into his side yard as well.

Amanda Panek, 6612 International Drive, commented that if the proposed fence were placed further back from Sapphire Lane she believes that her concerns regarding line of sight and the obtrusiveness of the fence would be alleviated. Reckman stated that he does not believe that moving the fence further from Sapphire Lane would affect the line of sight.

There being no one else present wishing to speak in favor of or in opposition to the request, Falk closed the public hearing.

Spranger commented that the streets involved are quite busy, reiterating that variances have been granted for higher-traffic areas.

Tombergs commented that the applicant could have a 6-foot high fence if it were placed 25 feet from the property line on the west side. Soenksen confirmed this. Tombergs stated that given the increasing amount of development in the area, she would support the request.

On motion by Tombergs, seconded by Falk, that a variance to allow a 6-foot high fence in the required front yard be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- c. Case 19-034; 4895 Heatherstone Road (A-2) - A request for a variance to allow a 10-foot fence in the required rear yard, submitted by John Boosalis.

Falk asked if there was an affidavit of publication. Soenksen stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Soenksen commented that subsequent to publication of the request, the applicant amended his request to reduce the proposed height of the fence to 8 feet. He explained that because the proposed 8-foot high fence is less than what was originally requested, the public hearing can be held.

Soenksen reviewed the staff report. Staff report is Annex #7 to these minutes.

Spranger asked if the entire rear yard of a house with a pool has to be enclosed. Soenksen confirmed this. Spranger asked if only the height of the fence along the rear property line is included in the variance request. Soenksen confirmed this.

Falk asked if there was anyone present wishing to speak in favor of the request.

John Boosalis, the applicant, explained that because there is an approximately 2-foot change in elevation from the pool area to the rear property line the proposed 8-foot high fence would only appear to be 6 feet high.

Falk asked if it would appear as though the proposed 8-foot high section of the fence would be at a similar height as those of his neighbors. Boosalis stated that this is not the case but that his fence would appear to be higher. Soenksen added that the neighboring lots also have a drop-off so that their fences would appear shorter than the applicant's.

Bob Kline, 4925 Heatherstone Road, expressed his support for the request. He commented that the lot adjacent to the rear yard of the applicant's is oddly-shaped and that the house sits further back on the lot than is typical and is therefore closer.

Jim Gray, 4865 Heatherstone Road, expressed his support for the request. He indicated that he has spoken at length with the applicant about his plans and has no objections.

John Baker, 4860 Heatherstone Road, stated that he would have no objections to even a 10-foot high fence.

Falk asked if there was anyone present wishing to speak in opposition to the request.

Gretchen Robinson, 26 Briarwood Lane, stated that he has had an ongoing property line dispute with the applicant and requested that any approval of the variance be based on the actual property line, not the distance shown on the plot plan from the house or pool. Falk explained that the issue for the Board is only related to the height of the fence. He added that the Building Department would make a determination as to where the fence would be allowed to be placed.

There being no one present wishing to speak in favor of or in opposition to the request, Falk closed the public hearing.

On motion by Tombergs, seconded by Falk, that a variance to allow an 8-foot high fence in the required rear yard be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:40 p.m.

These minutes and annexes approved \_\_\_\_\_

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John Soenksen  
Community Development Director