

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 11, 2023
5:00 P.M.

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

Item 1. Roll Call

PRESENT: Gallagher, Spranger, Tansey, Tombergs, Vermillion

ABSENT: None

STAFF: Beck, Fuhrman, Hunt

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of March 9, 2023.

On motion by Spranger, seconded by Vermillion, that the minutes of the meeting of March 9, 2023 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 23-032; 1705 Oak Street (R-2) – Special use permit to allow an electronic programmable sign in an R-2 district, submitted by Steve Miller.

Beck reviewed the staff report.

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

Steve Miller, the applicant, stated that the proposed 2-line electronic sign would be added to the existing sign that has been in place for many years, adding that the contractor will follow all of the city's guidelines for installation.

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

On motion by Spranger, seconded by Tombergs, that the special use permit to allow an electronic programmable sign in an R-2 district be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #2 to these minutes.

- b. Case 23-033; 2207 Falcon Avenue (C-2) – Special use permit to allow an outdoor service area with alcohol, submitted by Rigoberto Herrera.

Beck reviewed the staff report.

Gallagher asked if there was anyone wishing to speak in favor of or in opposition to the request.

Dave Berntgen, 5177 Dove Court, expressed concern about the proximity of the proposed outdoor service area to his home, the smells, noise, possibility of trespassers, security and safety, litter, and reduction in his property's value.

A brief discussion was held regarding the other businesses in the area with outdoor service areas.

Julie Berntgen, 5177 Dove Court, expressed concern about the sounds caused by delivery vehicles, the emptying of the dumpster, and the reduction of her property's value.

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

Spranger commented that the proposed outdoor service area is very similar to others in the immediate area.

On motion by Spranger, seconded by Tansey, that the special use permit to allow an outdoor service area with alcohol be approved in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Spranger, Tansey, Vermillion

NAY: Tombergs

Motion carried.

Decision and Order is Annex #3 to these minutes.

- c. Case 23-035; Lot 1, Creek Ridge Estates Third Addition (R-5) – Variance to reduce the required side yard setback from 21 feet to 7.5 feet, submitted by Axiom Consultants/Brian Boelk.

Beck reviewed the staff report.

Gallagher asked if the variance request is for the western property line only. Beck confirmed this.

Hunt commented that the platted 21-foot side yard setback is in excess of what code currently requires, adding that the required total side yard setback in the R-5 district is 15 feet.

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

Jeff Streitz, Axiom Consultants, stated that the land use is high-density and that the property is zoned R-5. He commented that it is unusual for a side yard setback to be specified on a plat, adding that typically developers rely on the zoning code which clearly defines required setbacks. He stated that the proposal is consistent with the surrounding properties and the city's zoning ordinance.

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

Ron Leiby, 4024 Creek Hill Drive, expressed concern about the increased traffic, the lack of parking, and the fact that there is only one way in and one way out of the neighborhood.

Hunt explained that the applicant will be required to submit a site development plan which will be reviewed by the Planning and Zoning Commission and City Council. He commented that staff has some concerns related to the proposed development related to access but explained that older subdivisions often have this type of issue which would likely not be allowed today.

Gallagher stated that the variance is the first step in the process of developing the property. He reiterated that a site development plan will be required.

Mary Jo Retherford, 4012 Creek Hill Drive, expressed concern about the traffic congestion in the neighborhood which will be exacerbated by the proposed townhomes.

Frank Marrari, 4001 Creek Hill Drive, asked if the side yard setback that is being reduced is near his property line. Gallagher stated that it is on the opposite side of the lot. Marrari expressed concern about the increased traffic that will be generated by the proposed townhouse units, adding that he had been told that the adjacent lot would be developed with duplex units similar to his.

Joe Solis, 4002 Creek Hill Drive, expressed concern about the traffic, lack of parking, and the difficulty emergency vehicles have in navigating the area.

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

On motion by Tansey, seconded by Vermillion, that a variance to reduce the required side yard setback from 21 feet to 7.5 feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- d. Case 23-034; Lot 7, Bettplex First Addition (C-3) – Variance to allow parking in a required front yard, submitted by Paul Bofelli.

Hunt reviewed the staff report.

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

Paul Bofelli, the applicant, stated that he would like to maximize the number of parking spaces to serve the two buildings proposed for the lot and that the small 4-foot encroachment would allow him to add 18 more spaces.

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

On motion by Spranger, seconded by Vermillion, that a variance to allow parking in a required front yard be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

5. The Board to reverse the Decision and Order for the following cases:
 - a. Case 22-066; NW corner of 53rd Avenue and Middle Road (C-2) – Special use permit to allow a car wash associated with a convenience store, submitted by Townsend Engineering.

- b. Case 22-067; NW corner of 53rd Avenue and Middle Road (C-2) – Special use permit to allow unlimited gas sales associated with a convenience store, submitted by Townsend Engineering.

Gallagher explained that the Board recently approved the same special use permits for the SE corner of 53rd Avenue and Middle Road with the condition that Cases 22-066 and 22-067 involving the NW corner of the intersection would be reversed.

On motion by Spranger, seconded by Tansey, that the special use permit to allow a car wash associated with a convenience store (Case 22-066) be reversed.

ALL AYES

Motion carried.

On motion by Spranger, seconded by TOMBERGS, that the special use permit to allow unlimited gas sales associated with a convenience store (Case 22-067) be reversed.

ALL AYES

Motion carried.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 6:15 p.m.