

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
DECEMBER 12, 2019
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Introduction of new Board member Jim Tansey.

Item 3. Review of Board procedures.

Item 4. The Board to review and approve the minutes of the meeting of October 10, 2019.

On motion by Tombergs, seconded by Spranger, that the minutes of the meeting of October 10, 2019.

ALL AYES

Motion carried.

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

- a. Case 19-101; 3515 Moencks Road (R-1) - Special use permit to allow an accessory dwelling unit in a single-family home, submitted by Janessa Ormsby/Shabby to Chic.
- b. Case 19-102; 3515 Moencks Road (R-1) - A request for a variance from the requirement that an accessory dwelling unit share a common entrance with the attached single-family home, submitted by Janessa Ormsby/Shabby to Chic.

Gallagher 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.

Tombergs asked if the door from the garage into the proposed addition would be considered a shared door. Soenksen explained that because it does not qualify as a shared door, a variance is required. He commented that there is a secondary entrance from the deck.

Tombergs commented that it is unlikely that anyone would ever know if a future homeowner began renting the additional unit.

Gallagher commented that it appears as though there is access to both units from the original garage in case of an emergency. Janessa Ormsby, the applicant, confirmed this.

Soenksen stated that occasionally the Code Enforcement staff receives complaints regarding property rental where it is not allowed, adding that if in the future if there are any problems staff would likely be made aware.

Tombergs questioned whether a precedent for future rentals would be set by granting the requests. She commented that as long as only family members are involved, there would not be any issues.

A brief discussion was held regarding possible ways to configure a common entrance between the two units.

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

Ormsby explained that because of the layout of the original structure, it would not be feasible to build a common hallway. She commented that in the future the homeowners would like to have the space in the garage to install a ramp for her grandparents if it becomes necessary. She stated that the homeowners are willing to include an agreement restricting rental of the property with any future purchase agreement.

Kathrina Olson, 3565 Woodholm Lane, stated that it would be possible for the homeowners to rent the additional unit by closing off the interior doorway. She expressed concern about the trees the current owners have removed, the expense of replacing them, and the intentions of the neighbors with regard to the retaining wall on her property.

Spranger asked if the proposed addition is code-compliant with regard to required setbacks. Soenksen explained that compliance with setback requirements is a part of the building permit review. He added that the structure would be required to be at least 5 feet from the side property line.

Gallagher stated that the city would ensure that the required setbacks are met prior to construction. He suggested adding the restriction of the use of the property by prohibiting its separate rental, sale, or ownership be made a part of the Decision and Order.

Ormsby commented that it is becoming more common for people to remodel their homes to add living space for relatives which could later be used for another family.

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 Tansey, that a special use permit to allow an accessory dwelling unit in a single-family home be approved in accordance with the Decision and Order and the prohibition of the use of the accessory dwelling unit as a rental property and which is not allowed to be separately sold, titled, or owned.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

On motion by Spranger, seconded by Tansey, that a variance from the requirement that an accessory dwelling unit share a common entrance with the attached single-family home be approved in accordance with the Decision and Order and the prohibition of the use of the accessory dwelling unit as a rental property and which is not allowed to be separately sold, titled, or owned.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:30 p.m.

These minutes and annexes approved _____

John Soenksen
Community Development Director