

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
OCTOBER 13, 2011
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Johnson, Stelk, Voelliger
ABSENT: Howe
STAFF: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meetings of September 8, 2011 and September 14, 2011.

On motion by Voelliger, seconded by Falk, that the minutes of the meetings of September 8, 2011 and September 14, 2011 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 11-062; 510 Mississippi Boulevard (R-1) - A request for a variance to reduce the required rear yard setback from 40 feet to 23 feet to allow for construction of a deck, submitted by Raymond Van Severen, Jr.

Stelk 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.

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

Ray Van Severen, the applicant, explained that because of the large elevation change between his property and the one to the north, rainwater pools in his yard and often does not dissipate for several days. He indicated that the proposed deck would allow him to have more usable space in his rear yard on those occasions.

Dave Schneck, 524 Mississippi Boulevard, and Joe Kehoe, 442 Mississippi Boulevard, expressed support for the request.

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

Falk asked if the proposed plan requires the removal of any existing trees. Van Severen stated that no trees would be disturbed.

On motion by Voelliger, seconded by Falk, that a variance to reduce the required rear yard setback from 40 feet to 23 feet to allow for construction of a deck be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 11-063; 3006 Magnolia Drive (R-2) - A request for a variance to reduce the required side yard setback from 5 feet to 1 foot to allow for construction of a carport, submitted by Christopher Coachman.

Soenksen stated that the applicant has requested that the case be deferred until such time as the property line can be identified.

- c. Case 11-064; 6304 Ocean Boulevard (R-2) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Josh and Kristi Jacobs.

Stelk 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.

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

Josh Jacobs, the applicant, explained that the primary reasons for the request are to increase the usable rear yard and the desire to provide more security and privacy for his family.

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

On motion by Voelliger, seconded by Johnson, that a variance to allow a 6-foot high fence in a 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.

- d. Case 11-065; 4306 State Street (C-3) - A request for a variance to reduce the required side yard setback from 10 feet to 5 feet to allow for construction of a building for an auto repair business, submitted by Greg Poley.

Stelk 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 #7 to these minutes.

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

Falk asked how far the property line is from the paved portion of the recreational trail. Connors explained that the pavement is approximately 5 feet from the property line. He added that when taking into account the proposed 5-foot setback, the building would be approximately 10 feet from the paved trail.

On motion by Voelliger, seconded by Falk, that a variance to reduce the required side yard setback from 10 feet to 5 feet to allow for construction of a building for an auto repair business be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

- e. Case 11-066; 3243 Bear Tooth Court (I-2) - An appeal of the zoning administrator's decision to prohibit a fitness center in an I-2 General Industrial District, submitted by Dennis and Teresa Achenbaugh.

Stelk 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 #9 to these minutes.

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

Dennis Achenbaugh, the applicant, stated that the ordinance allows many uses which he feels are more intense than the proposed fitness center. He explained that there is

an adequate amount of space on the property that can be used for required parking. He indicated that there is enough room for 22-23 spaces, adding that the existing businesses require only 6. He added that the owner of the adjacent business has indicated a willingness to allow patrons of the proposed business to use his parking area if necessary.

Grant McCauley, owner of the proposed business, explained that his operation is more of a personalized training studio than a fitness center, adding that he manages all of his clients on a personal level. He stated that during a typical day there are 2-3 clients with whom he consults or conducts a training session. McCauley indicated that a maximum of 8 clients would be allowed to train at one time, adding that his most busy times are early morning and late evening. He explained that clients are not allowed to come and go from the facility randomly, as he manages each client personally.

Stelk commented that it appears that the term fitness center is the one that most closely describes the proposed business. McCauley stated that he has lived in other markets where this type of facility is more common. He indicated that in those parts of the country the business is commonly referred to as a personal training studio and that those businesses tend to have a similar intensity and size as the one he is proposing.

Voelliger asked if the applicant would be willing to stripe the parking lot to aid in identification of the spaces. Achenbaugh confirmed this.

Falk asked if staff has any objection to the proposed reconfiguration of the parking arrangement which differs from the original site plan. Connors explained that when staff originally calculated the required parking for the building the square footage and proposed uses were taken into consideration. He added that because of the more intense proposed use, the case had been presented to the Board of Adjustment.

Connors reiterated that it would be simple to stripe the parking spaces. Falk stated that designating parking spaces would be helpful for visitors to the building.

Stelk commented that it is possible that a fitness center simply was not considered when the ordinance was adopted, adding that unless there is a specific reason why it was not included he is not opposed to the proposed use. Achenbaugh commented that oftentimes fitness/therapy centers are located within hospitals, which is a permitted use.

Falk asked if the only issues under consideration are the fact that the proposed use was not a listed one in the ordinance and the lack of adequate parking spaces. Soenksen explained that the reason the parking issue was raised by staff is to prevent the applicant's having to resubmit a request if the appeal is granted. He indicated that if the Board approves the applicant's special use permit, the parking requirements will have already been addressed with no need for a new site development plan to be submitted.

Connors suggested that any motion for approval be phrased such that it would prevent a much more intense fitness center type use from being allowed in a similar district.

Falk asked for staff's opinion on what type of verbiage should be used. Connors stated that the Board could grant the appeal based on the low intensity and the specific

location in question and consider future requests on a case-by-case basis. Stelk suggested that the number of clients allowed at the facility at one time could be limited. Falk concurred. Voelliger commented that it would be difficult for the city to control such a limitation.

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

On motion by Johnson, seconded by Falk, that the appeal of the zoning administrator's decision to prohibit a fitness center in an I-2 General Industrial District be granted by specifically allowing a low-intensity, personalized strength training studio in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #10 to these minutes.

Stelk introduced Bryce Johnson, the newest member of the Board of Adjustment.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:50 p.m.

These minutes and annexes approved

John Soenksen
City Planner