

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
JANUARY 12, 2012
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Howe, Johnson, Voelliger

ABSENT: None

STAFF: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of December 8, 2011.

On motion by Howe, seconded by Voelliger, that the minutes of the meeting of December 8, 2011 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 12-001; 1227 Broadlawn Avenue (R-1) – A request for a variance to allow construction of a 18-foot x 16-foot deck within the established front yard setback, submitted by Amy Beausoleil.

Howe 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.

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

Amy Beausoleil, the applicant, explained that staff's suggested alternative would substantially reduce the usability of the proposed deck. She indicated that staff's proposed location of an L-shaped deck would be adjacent to the driveway, carport, and sunroom and would also reduce the space available for a stairway leading to the driveway from the proposed deck that she would like to build because of the steepness of the site. Beausoleil commented that both designs protrude into the setback, but indicated that her proposal would greatly increase the usable space of the deck without a noticeable intrusion.

Keith Timm, the applicant's contractor, reiterated that an L-shaped deck would limit the functionality of the deck because of the narrowness of staff's proposed design.

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

Soenksen commented that in 2009 when a previous applicant had requested permission to place a swimming pool in the front yard, staff had received numerous objections from the neighbors. He indicated that he has received no comments regarding the current applicant's request.

Falk asked how much further the originally proposed deck would protrude into the setback than staff's proposal. Soenksen explained that the encroachment would be reduced by 10-15 percent. Falk asked if this would equate to approximately 2 feet. Soenksen confirmed this.

Voelliger commented that he has no objection the applicant's request, reiterating that it would allow for a stairway to the driveway.

On motion by Voelliger, seconded by Johnson, that a variance to allow construction of a 16-foot x 18-foot deck within an established front yard be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 12-002; 5092 - 45th Avenue (R-1) – A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Robert Ferns.

Howe 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.

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

Robert Ferns, the applicant, stated that since he removed the berm along Crow Creek Road it has been difficult to keep his grandchildren contained in the yard. He expressed concern about their safety because of the large amount of traffic that travels along Crow Creek Road.

Howe asked what type of fence the applicant is proposing to install. Ferns explained that it would be a 6-foot high solid wood fence and would have scalloped edges.

Johnson asked far the proposed fence would be from the right-of-way of Crow Creek Road. Soenksen explained that the request is for permission to place a fence on the property line which is typically 1-2 feet from the edge of the

sidewalk. He indicated that in this case, the fence would be 20–25 from the paved portion of the street.

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

Voelliger commented that it is likely that other neighbors will make similar requests in light of the close proximity to a proposed commercial development. He asked if the owner of the commercially-zoned property plans to install a fence. Soenksen explained that buffering is required to be installed between the commercial and residential properties. He added that the buffer is allowed to be a combination of fencing and/or landscaping.

Soenksen stated that when the adjacent subdivision was developed, there had been considerable discussion about buffering requirements. Voelliger commented that the original design of the subdivision had indicated that 45th Avenue would be extended. Soenksen stated that because of the concerns of the neighbors, that plan had been abandoned. Voelliger commented that the developer has installed an attractive fence along Middle Road, adding that perhaps the same could be installed when the commercial lot is developed.

Howe commented that typically the Board prefers that a fence be placed at least 10 feet from the property line. He added that because the homeowner on the corner lot has installed a fence 5 feet from the property line, perhaps it would be preferable to maintain continuity of the fence and greenspace in the neighborhood. Falk concurred, adding that he believes that it is likely that the neighbor between the applicant and the corner will make a similar request in the future.

Howe requested that staff ensure that the applicant's fence, if approved, be placed the same distance from the property line as the fence on the corner lot. Soenksen stated that he would make a site visit after the post holes have been dug to ensure the proper placement of the fence.

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

it be placed the same distance from the property line along Crow Creek Road as the fence at 4510 Millwood Lane.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:25 p.m.

These minutes and annexes approved

John Soenksen
City Planner