

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
MARCH 8, 2012
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Gallagher, 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 February 9, 2012.

On motion by Voelliger, seconded by Johnson, that the minutes of the meeting of February 9, 2012 be approved as submitted.

ALL AYES

Motion carried.

Howe announced that this meeting would be his last and introduced Bob Gallagher as the Board's newest member.

Item 4. Election of officers.

On motion by Gallagher, seconded by Falk, that Voelliger be elected to the position of chairman.

ALL AYES

Motion carried.

On motion by Voelliger, seconded by Gallagher, that Falk be elected to the position of chairman pro tem.

ALL AYES

Motion carried.

Item 5. The Board to hold a public hearing on the following items:

- a. Case 12-014; 2801 Bellevue Avenue (R-1) - A request for a variance to increase the allowable square footage of a garage from 720 square feet to 1,080 square feet and to allow a 2-foot encroachment into the established front yard setback, submitted by Richard Frantz.

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.

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

Voelliger stated that the house directly north of the applicant's encroaches further into the setback than the proposed garage. Soenksen stated that the homes and garages in the area are set back at varying distances. Voelliger commented that the proposed garage is very similar to ones that have been previously approved by the Board, adding that this type of request seems to be a trend in the older neighborhoods of the city.

Johnson asked if the next smallest garage in the neighborhood is appreciably smaller or if it is similar in size to the proposed structure. Soenksen stated that he believes that it is more than 900 square feet in size, adding that he cannot recall the exact square footage. Johnson commented that it does not appear as though the proposed structure would change the character of the neighborhood.

Soenksen stated that he had received a letter in support of the request from Donald Ewing of 2819 Oak Street.

Howe commented that in his opinion the proposed garage would not be obtrusive and would be an attractive addition to the home, especially because of the mixed nature of the setbacks and existing structures in the area. He stated that while it does seem to be a new trend to request oversized garages to house collections, that fact is not a legitimate hardship. He indicated that the Board's decision would likely set a precedent and encouraged the members to establish a balance between the existing neighborhood and future requests.

Voelliger asked if access to the proposed garage would be from 28th Street or the alley. Soenksen stated that access would be from the alley.

Falk asked if a variance would have been required if the applicant had planned to place a partition between the actual vehicular storage area and any work space that may be located in the proposed garage. Soenksen explained that any physical barrier, such as a knee wall, would be enough to subtract the inaccessible garage area from the calculation with regard to living area to garage ratio. He added that there are large garages that did not require Board approval because of the amount of usable vehicular storage space in the structure. Soenksen stated that the determination of whether or not a variance is required is made at the staff level.

Johnson asked for clarification regarding the allowable square footage for a garage. Soenksen explained that every homeowner is allowed to have a minimum of a 720 square foot garage regardless of the size of the house. He indicated that when larger homes are constructed, the allowed garage area is calculated using a 40% living area to garage ratio which may result in a much larger garage than 720 square feet.

Gallagher asked if the size of the house has restricted the applicant's ability to construct a larger garage. Soenksen confirmed this.

On motion by Voelliger, seconded by Johnson, that a variance to increase the allowable square footage of a garage from 720 square feet to 1,080 square feet and to allow a 2-foot encroachment into the established front yard setback be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 12-016; 800 - 23rd Street (R-2) - A request for a special use permit to allow a church, submitted by Apostolic Assembly of Bettendorf.

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.

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

Falk asked if the applicant owns the property and if the use intended to be permanent. Soenksen confirmed this.

Gallagher asked if the church plans to purchase the entire building. Soenksen confirmed this. Falk commented that his impression from the staff report is that the church had perhaps planned to buy only the portion of the building they will use for services. Voelliger agreed.

On motion by Falk, seconded by Voelliger, that a special use permit to allow a church be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- c. Case 12-018; 3135 Central Avenue (R-2) - A request for a variance to increase the allowable square footage of a garage from 720 square feet to 936 square feet, submitted by Dennis Stoffel.

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 #7 to these minutes.

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

Richard Frantz, 2801 Bellevue Avenue, stated that he is in favor of the request.

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

Howe stated that while two very similar cases have been presented, each case should be judged on the specific merits of each request.

Voelliger asked for clarification of the width of the lot. Soenksen stated that the lot appears to be at least 100 feet wide. Dennis Stoffel, the applicant, stated that the lot is 110 feet by 150 feet. Voelliger stated that it appears that the applicant's property was originally two lots, adding that technically the proposed garage would be constructed on the second lot. Gallagher commented that it is his recollection that the applicant's home is located on a parcel that was originally platted as two lots.

On motion by Gallagher, seconded by Falk, that a variance to increase the allowable square footage for a garage from 720 square feet to 936 square feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

Soenksen expressed his appreciation for Howe's years of service on the Board of Adjustment.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:35 p.m.

These minutes and annexes approved

John Soenksen
City Planner