

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
AUGUST 9, 2012
5:00 P.M.**

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

Voelliger welcomed Mary Spranger as the newest member of the Board of Adjustment.

Item 1. Roll Call

PRESENT: Falk, Johnson, Spranger, Voelliger
ABSENT: Gallagher
STAFF: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of July 8, 2012.

On motion by Falk, seconded by Johnson, that the minutes of the meeting of July 8, 2012 be approved as submitted.

ALL AYES

Motion carried.

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

- b. Case 12-046; 6313 Dorothy's Drive (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by James and Laurie Rohner.

Voelliger 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.

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

James Rohner, the applicant, indicated that he would like permission to place a fence in the required front yard in order to retain as much usable yard as possible. He indicated that it would pose no vision difficulties for traffic or pedestrians.

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

On motion by Johnson, 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.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- c. Case 12-047; 6305 International Drive (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Brian Mosbaugh.

Voelliger 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.

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

Brian Mosbaugh, the applicant, explained that the proposed fence would line up with his neighbor's existing fence.

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

On motion by Falk, seconded by Spranger, 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 12-048; 2339 - 53rd Avenue (C-2) - A request for a variance to reduce the required sign setback from 15 feet to 7 ½ feet and from 15 feet to 13 feet for two on-premises identification signs, submitted by Ascentra Credit Union.

Voelliger 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.

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

Josh Schoenemann, representing the applicant, concurred with staff's assertion that the preferred placement for the sign would be on the corner of 53rd Avenue and 18th Street. He indicated that because of the required landscaping elements, the proposed sign locations were chosen. He stated that because of the high traffic volume in the area, it is important to clearly identify the access points to the credit union.

Soenksen commented that plat requirements stipulate that the access on 53rd Avenue be shared with the adjacent parcel and that no access is to be allowed from 18th Street. He added that these plat requirements have further restricted the allowable placement of the signs and are the reason that applicant wishes the signs to be placed as close as possible to the entrances.

Voelliger asked if the sign would have a low profile. Schoenemann confirmed this.

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

On motion by Falk, seconded by Spranger, that a variance to reduce the required sign setback from 15 feet to 7 ½ and from 15 feet to 13 feet for two on-premises identification signs be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

- a. Case 12-041; 1460 Isle Parkway (C-7) - A request for modification of an existing special use permit to allow auctions, submitted by U.S. Auctioneers. (Deferred from meeting of July 12, 2012)

Voelliger 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.

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

Dick Phelps, the applicant, stated that the auctions draw approximately 1400-1500 people per sale who stay in the area and patronize local businesses. He indicated that a portion of his business involves customers who ask US Auctioneers to sell vehicles and equipment that do not fall into the categories specified in the original decision and order. He stated that these items have been included in the auction for approximately 20 years, adding that they amount to about 14% of the total number of vehicles.

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

Greg Gackle, 1116 Coffelt Avenue, stated that the site was originally zoned C-7 with the intention that it be used for recreational purposes and services related to the tourism business. He indicated that when the original special use permit was granted no one anticipated that it would still be in operation 20 years later. Gackle stated that items were on the site before the most recent sale for nearly 30 days, not the 8 days that are allowed. He indicated that the applicant has continued to expand the sale by offering items for sale that are not allowed and by the length of time the vehicles are on the site. Gackle stated that far more cars and other equipment are being sold than in the past.

Gackle reminded the Board that he had approached them several months ago requesting that the special use permit be revoked because of the longstanding and repeated violations of the original special use permit. He asked what is meant by the term 'related to semi-tractors and trailers, commercial and industrial vehicles' as shown on the staff report. He questioned whether this would include end loaders, bulldozers, and luxury cars and boats. Connors explained that it would include all those items except passenger vehicles.

Gackle asked if the 10 days that the applicant is allowed to use the site to prepare for and remove items that are not sold includes the weekends. Connors confirmed this.

Gackle asked what would occur if the Board approves the modified request but the applicant continues to violate the conditions of the decision and order. Connors stated that a municipal citation would be issued. Gackle reiterated his opposition to the proposed request, especially because of the geographical location of the site at the city's entrance.

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

Johnson asked if the applicant could address the infractions with regard to the number of days that vehicles and equipment are allowed to be on the site. Phelps explained that while he does his best to ensure that there are no violations, in the past customers have dropped off equipment on the site without his knowledge. He indicated that he now checks the lot three times per day after the auction brochure is mailed. He stated that he has been late removing the vehicles only three times in the past 20 years. Phelps indicated that his staff keeps the site clean and free from debris that other citizens have left.

Voelliger commented that he attended the most recent sale and that it appeared to be well-run and maintained. He expressed support for the proposed modification.

Gackle stated that as a resident who frequently uses the recreational trail, he is aware of many times in the past two years when equipment has been deposited on the site far in advance of the sale. He indicated that there were 26 days in the last month before the most recent sale when several items were on the site. Gackle indicated that this is a longstanding, continuing problem. He reiterated his opposition to the further expansion of the special use.

On motion by Johnson, seconded by Falk, to approve the modification of an existing special use permit to allow auctions in accordance with the Decision and Order and subject to the limitation of miscellaneous items to 15 percent of total items for sale at each auction and the applicant's strict adherence to the approved timetable regulating the date on which sale items are allowed to be brought to the auction site and the deadline for their removal.

ALL AYES

Motion carried.

Decision and Order is Annex #10 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:45 p.m.

These minutes and annexes approved

John Soenksen
City Planner