

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 8, 2013  
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of July 11, 2013.

On motion by Falk, seconded by Gallagher, that the minutes of the meeting of July 11, 2013 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 13-040; 1742 Susan Court (R-2) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Phillip Harms.

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.

Phillip Harms, the applicant, explained that he has a rescue greyhound dog which cannot be put on a leash because it is so fast and could choke. He added that an electric fence would not be sufficient to contain the dog and that it could jump a 4-foot high fence and escape into the community. He stated that the proposed fence is similar to those found along Devils Glen Road. He indicated that he feels that Devils Glen Road and Greenbrier Drive are very similar even though they fall into different street classifications.

Voelliger asked if the applicant plans to install a fence along the common property line with the neighbor to the west. Harms stated that the neighbor has agreed to let him connect the proposed fence with the existing one so there would not be two fences along that property line.

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

Johnson commented that while Devils Glen Road is a 2-lane street north of 53<sup>rd</sup> Avenue, it will to be widened to 4 lanes. She added that it has been graded in anticipation of the future expansion project. Soenksen stated that in the past the Board has granted variances for fence requests along streets that either were already or would eventually be 4 lanes wide.

Voelliger asked if the proposed fence would be placed on the property line. Soenksen confirmed this, adding that the property line is typically 1 foot back of sidewalk.

Johnson asked for clarification of the height and location of a fence that would be allowed on the applicant's property. Soenksen explained that because the lot is on a corner, it has two front yards with 25-foot required setbacks. He added that the applicant would be allowed to install a 4-foot high fence at the property line but that a 6-foot high fence could not be placed such that there would be any encroachment into the required setback. Soenksen indicated that when the variances were approved for the cases referenced in the staff report on Prairie Vista Drive, a 4-foot high fence was required to be placed at least 10 feet from the property line. He added that since that time the ordinance has been revised to allow 4-foot high fences on the property line.

Johnson stated that she believes that the difficulty that the applicant is experiencing is self-imposed, not the result of a hardship related to the property. Voelliger asked if the Board feels that proposed fence should be set further back than the property line even though there is a substantial amount of landscaping in the rear yard. He commented that a request for a 6-foot high fence to surround a pool had been considered by the Board on Rolling Hills Drive and that a variance was granted to allow the fence 10 feet from the property line.

Gallagher commented that if approved, the request would allow the first 6-foot high fence on the property line in this area and would set a precedent. Johnson asked if staff is aware of any variance requests that were granted for 6-foot high fences on local streets. Soenksen explained that to this knowledge, the variances granted for 6-foot high fences located on the property line were granted for properties adjacent to 4-lane roadways.

Harms stated that while he is unsure of the roadway classification, there is a 6-foot high fence on the property line adjacent to Crow Creek Road northwest of his home. Soenksen explained that the fence in question is actually located in Davenport, adding that Crow Creek Road, which is a divided roadway, is classified as a collector street.

Falk commented that he cannot support the request as no hardship has been established. Voelliger asked if any of the Board members would consider allowing the proposed fence 5 feet from the property line. He added that the landscaping in the rear yard would be disturbed if a fence were placed anywhere other than on the property line. Gallagher commented that the landscaping is not relevant to establishing a hardship. Voelliger suggested allowing a 6-foot high fence located 10 feet back of the property line. Johnson commented that the applicant could install a fence at the required setback line and accomplish his stated goal of containing his dog. Gallagher added that if the Board allows any variance to the required setback, it will establish a precedent for all of the homes on this type of residential street in entire city of Bettendorf.

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

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:20 p.m.

These minutes and annexes approved \_\_\_\_\_

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John Soenksen, City Planner