

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
SEPTEMBER 12, 2013
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of August 8, 2013.

On motion by Falk, seconded by Johnson, that the minutes of the meeting of August 8, 2013 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 13-052; 6150 Buckskin Trail (R-1) - A request for a variance to reduce the required setback for a swimming pool from 10 feet to 6 feet, submitted by David and Kelly Elg.

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.

David Elg, the applicant, explained that when he purchased his home he had not been made aware of the setback requirements regarding swimming pools. He indicated that he would like to locate the pool such that there is room to walk completely around it.

Johnson asked if a variance had ever been granted for a swimming pool for a similar reason. Soenksen explained that a variance was granted to allow a swimming pool on Tenplus Street which encroached into the setback but that the property in question had a much steeper grade change. Soenksen added that the 10-foot setback requirement for swimming pools is only for the R-1 district. Johnson commented that the additional requirement is in place for a reason.

Voelliger asked how far the pool deck would be from the existing deck. Elg explained that it would be 6 feet from the deck and would be equidistant from the deck and property line. He

indicated that there is a landscaped berm on his neighbor's property line and added that he plans to install additional plantings in his yard. Elg indicated that because of the layout of the two properties any perceived intrusion caused by the proposed pool would be very minimal.

Voelliger asked if the pool could possibly be located a few feet to the north. Elg explained that the pool contractor had indicated that because of the contour of the lot, it would be preferable to place the pool as far south as possible.

A brief discussion was held regarding the width and location of the proposed concrete apron. Johnson commented that the concrete deck could be poured to the property line.

Johnson stated that in her opinion even though the proposed pool would have no impact on the neighbor, approving the request would set a negative precedent.

Voelliger asked if the applicant's neighbor is aware of the proposed variance request. Elg confirmed this, indicating that no objection had been expressed.

Johnson stated that she does not believe that the applicant has established a hardship which would justify granting the request. She added that there is sufficient room to place the pool nearer the patio to the north. Elg explained that a previous owner had installed the patio and that he had considered placing the pool on the flatter portion of the lot to the north but had been told that because the lot is on a corner the setback requirements would preclude it. Johnson explained that the setback requirements would not apply to an accessory structure, adding that the applicant could place the pool further to the north.

Falk stated that the additional expense of excavation does not constitute a hardship and concurred with Johnson that granting the request would set a negative precedent.

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 reduce the required setback for a swimming pool from 10 feet to 6 feet be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 13-053; 2501 - 53rd Avenue (C-2) - A request for a special use permit for an outdoor service area to be similar and compatible to the uses existing within the premises, submitted by The Clubhouse. (Deferred)

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:15 p.m.

These minutes and annexes approved _____

John Soenksen, City Planner