

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 14, 2014
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of July 10, 2014.

On motion by Falk, seconded by Johnson, that the minutes of the meeting of July 10, 2014 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 14-056; 5636 Cavan Crossing (R-3) - A request for a variance to reduce the required rear yard setback from 25 feet to 17 feet to allow for construction of a house, submitted by Steve Cotton. (Withdrawn)
- b. Case 14-062; 4889 Allen Road (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Aaron Stetson.

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. He stated that he received two letters expressing opposition to the request. Soenksen added that prior to the beginning of the meeting he had been reminded by Voelliger of a similar request for property located at 1742 Susan Court which the Board denied.

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

Kara Stetson, the applicant, stated that she and her husband would like to install a 6-foot high fence to provide privacy for her family and the neighbors. She explained that Devils Glen Road

carries a lot of traffic to Summertree Avenue and that because of the decline of the street the headlights disrupt her family inside the house. She indicated that regardless of the Board's decision, a fence will be installed and questioned the difference between a 4-foot high fence and a 6-foot high fence as far as aesthetics are concerned. She stated that if a 4-foot high fence is installed, the landscaping which would be installed could easily be taller than 6 feet.

Voelliger asked what type of fence the applicant proposed to install. Stetson indicated that it would be a 6-foot high white vinyl privacy fence.

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

Janice Bailey, 3389 Summertree Avenue, indicated that while she is not opposed to a homeowner's securing his or her property to provide privacy, she is opposed to the request because it would impede the vision of any motorist exiting her driveway. She explained that because of the configuration of lots in the subdivision, her neighbor's rear property line is shared with the property line in her front yard. Bailey stated that she believes the proposed 6-foot high fence could decrease the value of her home. She demonstrated with photos the effect that the proposed fence would have on her property, adding that the because of the placement of a pipeline easement and her existing fence, the proposed fence would cause a tunnel effect and would hinder maintenance of the property. Bailey explained that there are no other 6-foot high fences placed so near the sidewalk along Summertree Avenue, adding that the proposed fence would disrupt the uniformity of appearance of the subdivision.

Wayne Eckstein, 3382 Summertree Avenue, expressed opposition to the request. He indicated that in his opinion the applicant should have been aware of the limitations of what would be allowed with regard to fencing of their very large rear yard. He explained that because Summertree Avenue is on a school bus route, motorists might not be able to see school children who could easily be hidden by a 6-foot high fence. Eckstein added that the safety issues could be exacerbated by the fact that motorists routinely travel faster than the speed limit along Summertree Avenue.

Johnson asked if the applicant would be allowed to place a 4-foot high fence along the property line in the same location as the proposed 6-foot high fence. Soenksen confirmed this.

Falk commented that it is likely that there are restrictive covenants that govern this subdivision which may preclude the applicant from placing a fence on the property line. He added that typically the approval of either a homeowner's association board or possibly the 5 closest neighbors would be required.

Eckstein explained that there are approximately 89 homes located in the Schaefer Farms subdivision, adding that the proposed fence would not be in conformance with the rest of the neighborhood. He reiterated that the fence could have a detrimental effect on property values.

Johnson asked if there would be any restrictions related to installing the fence in the pipeline easement area. Soenksen explained that the homeowners have obtained an encroachment agreement from Magellan granting permission to install a fence within the easement. He added that the pipeline company will have personnel present on site at such time as a fence is installed to ensure proper placement.

Johnson commented that while there are a number of 4-foot high fences in the neighborhood, there are no 6-foot high fences such as is proposed. She reiterated that the Board denied a similar request for a homeowner who lives at the corner of Susan Court and Greenbrier Drive. She explained that it is not the Board's purview to decide whether the proposed fence is located in the easement area or if a 4-foot high code-compliant fence is installed.

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 denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

Soenksen explained to the audience that the Board does not have the authority to prevent the applicant from installing a 4-foot high fence. He added that the approved motion is to deny permission to install a 6-foot high fence on the portion of the lot that is defined as a required front yard.

- c. Case 14-064; 1118 Jones Street (R-2) - A request for a variance to reduce the required side yard setback from 5 feet to 3 feet to allow for construction of a garage, submitted by Josh Younkin.

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. He commented that the staff report is in error with regard to the size of the proposed garage. He indicated that the garage would be 24 feet x 30 feet in size which would be in conformance with the ordinance.

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

On motion by Johnson, seconded by Spranger, that a variance to reduce the required side yard setback from 5 feet to 3 feet to allow for construction of a garage be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

Soenksen stated that two months ago the Board had requested that staff consider the ramifications of amending the zoning ordinance as it relates to electronic message board signage along the interstate corridor. He explained that the request by Molo Oil for a sign larger than allowed had prompted this request, adding that the Big 10 Mart sign has been installed and is operational. Soenksen requested that the members visit the site to determine whether they feel that it accomplishes the applicant's goals and if an ordinance revision is warranted to possibly allow more than the 50 square feet of electronic message signage that is currently permitted. He explained that the Molo Oil sign is actually 150 square feet in size but that the applicant is only utilizing 100 square feet which the Board allowed by variance.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:30 p.m.

These minutes and annexes approved _____

John Soenksen, City Planner