

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 13, 2014
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 February 13, 2014.

On motion by Gallagher, seconded by Johnson, that the minutes of the meeting of February 13, 2014 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 14-006; Lot 25, Villas at Glengevlin 2nd Addition and the entirety of Highlands Pointe 1st Addition (PR-3 proposed) - A request for a variance to reduce the required combined side yard setback from 15 feet to 10 feet, submitted by Towne & Country Bettendorf, LLC. **(Withdrawn)**
- b. Case 14-017; 2871 Devils Glen Road (C-2) - A request for a variance to increase the allowable height of an off-premises advertising sign (billboard) from 30 feet to 40 feet, submitted by Lamar Advertising.

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 indicated that he had received a letter expressing opposition to the request from the owners of Ann's Hallmark, 2876 Devils Glen Road. Letter is Annex #4 to these minutes.

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

Jim Schumacher, representing the applicant, explained that the sign is currently in conformance with ordinance requirements. He indicated that the property owner to the east had allowed Lamar Advertising to remove trees that were obstructing the visibility of the sign, adding that

the taller trees have been replaced with smaller ornamental trees. He stated that over the years the intersection has changed which has resulted in a reduction of visibility. Schumacher stated that in his opinion the billboard would be more aesthetically-pleasing if it were taller and would enhance the neighborhood.

Johnson asked for clarification of the existing sign's dimensions. Schumacher stated that the sign is 10 feet 6 inches by 36 feet, adding that when the trees in the area have foliage, the sign is obstructed until a motorist reaches the intersection.

Johnson asked if both sides of the sign would be raised. Schumacher confirmed this, adding that a 10-foot extension pipe would be added to which the billboard would be affixed.

Johnson asked who owns the property and whether the Valvoline building or the billboard had been erected first. Connors explained that the building was there first.

A brief discussion was held regarding the effect the Valvoline sign has on the visibility of the billboard.

Voelliger commented that allowing the billboard to be raised might set a bad precedent. He asked how many signs in the city are similarly-situated. Schumacher stated that he does not believe that requesting permission to raise one sign would necessarily mean that future requests would be forthcoming. He added that Lamar has never made a similar request, adding that the company does not have any other inventory in the city that would warrant raising a sign.

Voelliger commented that in his opinion raising the sign might distract drivers because it is such a busy intersection.

Falk asked if all of the on-premises identification signs in the area are code-compliant. Soenksen confirmed this.

Falk stated that the intersection of Devils Glen Road and Middle Road is the geographic and developmental center of the city. He indicated that he would prefer that the intersection not be dominated by signage. He expressed concern that signage could become the most visible element in such a key area of the city. Schumacher asked if the Falk agrees that the intersection would look less congested if the sign were taller. Falk stated that while he understands that the applicant's business goals would be met by raising the sign, he does not believe that a taller sign would complement the area. He reiterated that a taller sign would dominate the corner and would not be complementary to the area. Falk commented that his attention is always drawn to the existing billboard at its 30-foot height.

Schumacher asked how many variances the Board has granted in order to encourage a business to locate in Bettendorf. He stated that if variances are being granted, a precedent has already been set. Johnson stated that it is not the Board's purview to encourage or discourage commerce.

Gallagher stated that he does not believe that the applicant has established a hardship that is not self-imposed. He indicated that the area has developed in accordance with the ordinance, adding that perhaps the applicant should have taken that into consideration when negotiating the terms of the lease agreement with the owner of the Valvoline store as it is their sign which is the primary obstruction.

Johnson concurred, reiterating that it is not the charge of the Board to promote commerce because that would indicate some sort of bias. She added that each case is considered individually on its own merits.

Schumacher stated that it is difficult to plan for the future or have any control over how a neighborhood develops. Johnson commented that business owners and residents all over the city have to contend with the same situation because future development is uncertain.

Schumacher stated that the Board should take into consideration the fact that there has been no public outcry and that he does not feel that a precedent would be set.

Voelliger stated that when he drove through the intersection, the sign was visible from all angles.

Soenksen commented that he had made a phone call to the owner of the Valvoline store who had indicated no opposition to the request.

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 Gallagher, that a variance to increase the allowable height of an off-premises advertising sign (billboard) from 30 feet to 40 feet be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:25 p.m.

These minutes and annexes approved _____

John Soenksen, City Planner