

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  
FEBRUARY 12, 2015  
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: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of December 11, 2014.

On motion by Gallagher, seconded by Falk, that the minutes of the meeting of December 11, 2014 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to review and approve the 2014 Board of Adjustment Annual Report.

On motion by Falk, seconded by Johnson, that the 2014 Board of Adjustment Annual Report be approved as submitted.

ALL AYES

Motion carried.

Report is Annex #2 to these minutes.

Item 5. Election of officers.

On motion by Falk, seconded by Gallagher, that Voelliger and Falk retain their positions of chairman and chairman pro tem, respectively.

ALL AYES

Motion carried.

Item 6. The Board to hold a public hearing on the following items:

- a. Case 15-004; 3906 Elm Street (I-3) - A request for a special use permit to allow an automotive salvage yard, submitted by Stephanie Goettsch.

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 #3 to these minutes.

Soenksen reviewed the staff report. Staff report 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.

Stephanie Goettsch, the applicant, explained that she would like to consolidate the office for the towing business and the salvage yard into one area as she will be operating both. She indicated that the office would be located on Elm Street and the salvage cars would still be stored in the lot on Depot Street.

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 Gallagher, that a special use permit to allow an automotive salvage yard be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

- b. Case 15-005; 518 Holmes Street (R-2) - A request for a variance to increase the allowable garage area from 720 square feet to 1,180 square feet, submitted by Jeremy Reasoner.

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 #3 to these minutes.

Soenksen reviewed the staff report. Staff report is Annex #6 to these minutes.

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

Jeremy Reasoner, the applicant, asked how much additional garage space would be allowed according to the Code. Soenksen explained that the applicant would be able to add 440 square feet of detached garage space. Reasoner asked if he would be allowed to have a larger detached garage if the existing garage is converted to living space. Gallagher confirmed this, adding that a 720 square foot garage would be allowed. Soenksen added that the existing garage would not necessarily have to be converted to living space but that the applicant could make some sort of permanent structural change that would preclude its being used for vehicle storage. Gallagher stated that the applicant could simply convert the existing garage to storage

space for lawn equipment. Reasoner commented that his plan is to use the existing garage as storage space as is not very useful for parking a car because it is very difficult to enter and exit the vehicle.

Falk asked if the existing driveway would be required to be vacated if the applicant chooses to convert the original garage so that it cannot be used for vehicle storage. Soenksen explained that while the Code states that vehicles are only to be parked in front of garage spaces, there are many homes in the city where this is not the case.

Johnson asked if the applicant could convert a portion of the proposed structure so that it would not be useable for vehicle storage to increase the allowable size of the new garage. Soenksen confirmed this, adding that any permanent structural feature that prohibits vehicle storage would mean that that space would not be included in the living area to garage space calculation. Johnson suggested that the applicant could install a curb or a step to prevent a vehicle from being stored in a part of the garage. Gallagher added that the applicant could also remove one of the garage doors and replace it with an access door while leaving the remainder of the structure as is. Connors explained that a garage of up to 720 square feet in size could be constructed on a floating slab but that any structure larger than that would require frost footings. He commented that the additional concrete required for frost footings would add substantially to the cost of the project. Reasoner indicated that he is aware of that requirement and that he likely will build only a 720 square foot garage because he would prefer not to install frost footings.

Voelliger asked if any section of the revised comprehensive plan would affect the residents of the older areas of the city who wish to build larger garages. Connors stated that the issue would be addressed during the comprehensive plan review.

Voelliger commented that he does not feel that the proposed garage would negatively impact the neighborhood because of the larger than average size of the lot and the large amount of buildable area available in the rear yard.

Reasoner stated that while there may not be any homes with such large garages immediately adjacent to his home, there are several in the neighborhood. Voelliger concurred.

Connors stated that if the applicant chooses to convert the existing garage to prohibit vehicle storage and build a 720 square foot detached garage a variance would not be necessary.

Johnson asked what steps the applicant would need to take to convert the space and if there would be any other conditions imposed such as not parking on the existing driveway. Connors explained that the building permit would be conditioned on the conversion of the existing garage, adding that he has not required other homeowners in the same circumstance to remove their driveway.

Johnson commented that the applicant's lot is larger than most in the neighborhood. She stated if the lot was as narrow as most in the area there likely would have been another house built and two detached garages 720 square feet in size would have been allowed. Soenksen concurred.

Johnson asked what the point of the ordinance limiting garage size is when the applicant would only have to install a raised curb inside a portion of the garage to be allowed to build the proposed 900 square foot building without obtaining a variance. She indicated that by altering the interior slightly, the applicant would be able to build exactly the same size building. She commented that it seems as though the requirement is immaterial because the structure would appear the same from the outside either way. Soenksen explained that the original intent was for detached garages to appear more residential. Johnson commented that the Board has considered other variance requests by applicants who wished to install larger, more industrial sized garage doors in residential neighborhoods.

Reasoner stated that it would look odd to replace the existing garage door with a man door, adding that it would be more aesthetically-pleasing to leave the garage door as is. Johnson stated that according to Code, the applicant could leave the existing garage as is and build a new 900 square foot structure with 440 square feet of vehicle storage with the remainder of the building designated as a shop area. She added that the applicant would be required only to separate the garage space from the shop area by raising the slab slightly or installing a partial wall so that a car could not pull into that part of the structure. Johnson questioned what the practical difference is between a 900 square foot structure used for vehicle storage alone and one with a shop area if the only difference is configuration of the interior.

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

Voelliger reiterated that the lot in question is one of the largest in the area and has a large back yard, adding that is supportive of the applicant's request.

Falk commented that the Board should be mindful of any precedent that may be set by granting variance requests. He stated that it appears as though the applicant would be satisfied with the alternate solution of building a 720 square foot detached garage and converting the existing garage into storage space. He suggested that the applicant may wish to consider that solution which would be less expensive and possibly remove the existing garage door and replace it with a window so that it appears to be a part of the main house. Falk commented that doing so would likely increase the value of the home and provide lighting for the proposed storage area. He added that if the applicant chooses to build a conforming structure without need of a variance, no possibly negative precedent would be set.

Gallagher suggested that the applicant defer the request and discuss his options with city staff prior to the next meeting.

On motion by Gallagher, seconded by Falk, that Case 15-005 be deferred to the March 12, 2015 meeting.

ALL AYES

Motion carried.

- c. Case 15-006; 1801 Kimberly Road (C-2) - A request for a special use permit to allow a car wash, submitted by Reed Windmiller.

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 #3 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.

Reed Windmiller, the applicant, stated that because there is no car wash nearby this location would be ideal. He displayed some renderings demonstrating the proposed configuration of the building and the direction of traffic flow through the site.

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

Nicole Brandt, 1813 Kimberly Road, asked how her property would be affected by runoff from that proposed development and how tall the building would be as she does not wish to have the view of her restaurant blocked by it.

Mike Janecek, engineer representing the applicant, explained that there is an inlet on the east side of the building that will collect water from the parking lot east of the building and that a roof system will drain that runoff directly into a storm sewer. He indicated that there are no additional storm water detention requirements, adding that any small amount of water that is not collected by the roof drainage system or the inlet will drain along the driveway toward Kimberly Road where there is a storm sewer system.

Soenksen explained that all of the concerns raised by Brandt will be addressed during the site development plan approval process which involves the Planning and Zoning Commission and City Council.

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

Voelliger asked what the required setback from Kimberly Road would be. Soenksen explained that it is 20 feet, adding that even though there are no minimum side or rear yard setbacks required they have been provided.

Voelliger asked for clarification of the lot's width. Soenksen estimated that the lot is between 100 and 120 feet wide.

Voelliger asked if the Subway restaurant would in any way be negatively impacted by issues such as parking. Soenksen explained that the two lots share a driveway which should not affect Subway.

Voelliger asked if the curb cut in the rear of the property would be closed. Soenksen stated that that does not appear to be the case, adding that it might be beneficial for the applicant's business for it to remain open.

Voelliger asked if there is sufficient stacking space available on the site. Soenksen confirmed this, adding that all of the stacking will take place on the applicant's lot. Windmiller explained that there is enough room for 5-6 cars to stack at the northernmost wash and for 3-4 cars in the adjacent one. He indicated that there rarely would there be vehicles stacked for the manual wash bays as motorists typically do not wish to wait very long.

A brief discussion was held regarding the dimensions of the lot. Voelliger commented that while it had appeared as though the lot is quite small, the 110-foot width and 183-foot depth shown should be more than adequate for the proposed use.

On motion by Gallagher, seconded by Falk, that a special use permit to allow a car wash be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 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 \_\_\_\_\_

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John Soenksen, City Planner