

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 11, 2016
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Clements, Falk, Gallagher, Voelliger

ABSENT: Spranger

STAFF: Fuhrman, Soenksen, Connors

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of July 14, 2016.

On motion by Clements, seconded by Falk, that the minutes of the meeting of July 14, 2016 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 16-050; 931 State Street (C-2)** – A request for a variance to reduce the required sign setback for an on-premises identification sign from 20 feet to 0 feet, submitted by Dev Bastola. (Deferred from meeting of July 14, 2016)

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 the Iowa Department of Transportation had acquired the 5-foot width of right-of-way for only a small portion of the frontage of the property. Soenksen confirmed this. Voelliger asked if right-of-way had been acquired further east and west of the applicant's property. Soenksen explained that right-of-way was acquired to the east, adding that the end point for the acquisition is approximately 40 feet from the applicant's eastern property line.

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

Valerie Search, 943 State Street, explained that she is working with Police Chief Phil Redington regarding the possibility of restricting parking on State Street in front of the applicant's property. She stated that she is not opposed to the variance request as long as there is no parking in front of 931 State Street. Search indicated that she would not be in favor of allowing parking in the northeast corner of the lot, adding that the site development plan that was approved did not show parking there. She explained that the small section of the applicant's property that was acquired by the State is where the roadway project stops.

Michael Johnson, 905 State Street, stated that he is not opposed to the request as long as there is no parking along State Street between the two driveways in and out of the gas station.

Chris Schwarzkopf, marketing agent representing the applicant, stated that the revised setback request of 5 feet would give the applicant maximum visibility for a consumer to see the sign, account for the tree on the adjacent property, and allow time for motorists to change lanes in order to enter the site.

Voelliger commented that staff has proposed a 12-foot setback. Soenksen explained that staff does not feel that a 5-foot setback would allow enough line of sight visibility for motorists on the site.

Falk asked if staff anticipates that on-street parking will continue to be allowed in front of the property to the west. Soenksen stated that he has not been involved in any conversations regarding whether on-street parking will continue to be allowed. He explained that the issue should have been addressed at the site plan approval stage, adding that requests for no parking zones are handled through the Police Department who forwards them to City Council.

Voelliger asked if any consideration was given to locating the sign on the east end of the lot. Soenksen explained that the right-of-way that was acquired was taken from that area. He added that if the sign were placed on the east side, the canopy would block visibility. Search stated that she would be opposed to the placement of the sign on the east side. She indicated that she would assume that motorists would enter the site on the west side and exit on the east, adding that if this is the case the sign would not block visibility for those exiting. Search explained that there is currently 1-hour parking on State Street on both sides of the street, adding that she is only requesting that it not be allowed in front of 931 State Street.

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

Gallagher commented that it appears as though a compromise of the revised 5-foot setback would be the best solution. Voelliger stated that he would be opposed to the sign's being

placed in a location which would block the visibility for motorists. Falk stated that if on-street parking is allowed in front of the property to the west, it could impact visibility from the westernmost entrance/exit. Falk asked if that impact is the reason staff had recommended a larger setback. Soenksen explained that he had based his recommendation on the observed line of sight from a vehicle located behind the sidewalk on the west side of the property. He indicated that he realizes that motorists will likely pull further forward if vision is impaired by the proposed sign.

Clements stated that she also believes that traffic will enter on the west side. She asked if the Board members feel that the allowance or restriction of on-street parking makes a critical difference. Voelliger asked how many cars would be able to park in front of 931 State Street. Soenksen stated that there would likely be space for only two or three cars to park there. Falk stated that he believes that it would be a benefit to restrict parking in front of the location. Clements concurred. Soenksen commented that it is unrealistic to believe that a customer would park in front of 931 State Street and then patronize the convenience store. He stated that he would contact the Police Department to find out if parking will be restricted there. He indicated that while he also believes that customers will enter on the west and exit on the east, the driveways are not one-way.

Voelliger asked why staff had recommended a 12-foot setback. Soenksen explained that the 12-foot setback would allow for a 5-foot separation between the existing billboard and the proposed sign while maintaining the maximum setback. He added that the sign would be partially blocked by the existing tree on the adjacent lot if it is set back 12 feet.

Clements asked for clarification regarding the Board's authority to mandate a setback other than the revised request for 5 feet or the staff recommendation of 12 feet. Soenksen explained that the Board has the authority to grant a variance for any setback if it is greater than the original request.

A brief discussion was held regarding the impact of the existing billboard on the placement of the new sign.

Falk commented that he would like the sign to be placed as far from the street as possible while still allowing visibility given the presence of the tree on the adjacent property and still allowing motorists to change lanes safely if necessary. Other Board members concurred.

On motion by Clements, seconded by Gallagher, that a variance to reduce the required sign setback for an on-premises identification sign from 20 feet to 7 feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b **Case 16-058; 4513 Stone Haven Drive (R-2)** – A request for a variance to allow a 6-foot high fence in a required front yard along Crow Creek Road , submitted by George Hallas.

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.

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

Voelliger stated that if the variance were granted, a precedent would be set for all neighborhoods with similar low traffic counts. Other Board members concurred. Soenksen commented that traffic counts are updated regularly by the Engineering Department staff.

Falk stated this request is similar to many that the Board has denied in the past. He asked if staff has any information available that would indicate that this is not the case. Soenksen stated that he does not have any additional information. Gallagher reiterated that approving the request would set a precedent which would result in the installation of fences along residential streets. He commented that he believes that if 6-foot high fences that may be allowed along streets similar to 18th Street and 53rd Avenue, the City should consider an ordinance revision that would establish how the fences would look. He stated that while installing fencing to block high traffic areas from residential neighborhoods is common, it can result in a wall-like appearance for long distances.

Gallagher stated that while he is certain that the proposed fence would be attractive, that is not the issue before the Board. Falk concurred, adding that he is also concerned that the home is located in an area with a large population of pedestrian school children. Gallagher added that those children are also riding bikes in the area. Falk stated that the proposed location of the fence would eliminate some of that visibility. Gallagher stated that he does not believe that the proposed fence location is appropriate, especially given the nature of the neighborhood. Falk concurred.

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

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:40 p.m.

These minutes and annexes approved _____

John Soenksen, City Planner