

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  
JULY 14, 2011  
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Howe, McElhiney, Stelk, Voelliger

ABSENT: None

STAFF: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of June 16, 2011.

On motion by Voelliger, seconded by Howe, that the minutes of the meeting of June 16, 2011 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 11-038; 108 Greenwood Avenue (R-2) - A request for a variance to increase the allowable height of an accessory structure from 15 feet to 19 feet, submitted by Kenn Brinson.

Stelk 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 the neighbor who lives immediately north of the applicant has expressed support for the request after having seen the proposed design. He requested that if the Board gives approval that it be on the condition that no living quarters be allowed within the proposed structure. Soenksen added that the applicant has indicated that he plans to use the building for an art studio and storage.

Voelliger asked if the two existing buildings at the rear of the property will be demolished. Kenn Brinson, the applicant, explained that the one that is on his lot will be torn down. He added that the other building in question is not on his property.

Howe asked if the applicant plans to finish the second floor with sheet rock. Brinson stated that it will not be finished, adding that the space will be used for storage and an art studio.

Howe asked for clarification of how the term living quarters is defined as there are many variables involved. Connors explained that the Code does not allow two separate residential structures on a lot, adding that he would consider living quarters to be one space that includes an area for sleeping, cooking, and bathroom facilities. He indicated that he would not consider a recreation room to be living quarters.

A brief discussion was held regarding steps that could be taken to prevent the use of the structure as living quarters by a future owner. Voelliger stated that he is not opposed to the applicant's sheetrocking the structure or installing a furnace as long as there are no sleeping or kitchen facilities. Soensken commented that the Board would be made aware of any future owner's plans for further improvement of the structure when building permits were obtained.

McElhiney asked if the applicant plans to plumb the structure. Brinson confirmed this, adding that a utility sink will be installed.

Falk commented that the Board could approve the request with the restriction on living quarters, adding that the requirements of the city code would provide notification should a future owner attempt to use the structure for that purpose. Other board members concurred.

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

On motion by Voelliger, seconded by Falk, that a variance to increase the allowable height of an accessory structure from 15 feet to 19 feet be approved in accordance with the Decision and Order and subject to the condition that no living quarters be allowed.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 11-039; 1845 Anderson Court (R-2) - A request for a variance to reduce the required rear yard setback from 25 feet to 19 feet to allow for construction of a 14-foot by 27-foot deck, submitted by Ryan White.

Stelk 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, Stelk closed the public hearing.

On motion by McElhiney, seconded by Voelliger, that a variance to reduce the required rear yard setback from 25 feet to 19 feet to allow for construction of a 14-foot by 27-foot deck be approved 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 5:15 p.m.

These minutes and annexes approved

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John Soenksen  
City Planner