

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 10, 2014  
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of June 12, 2014.

On motion by Falk, seconded by Johnson, that the minutes of the meeting of June 12, 2014 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 14-054; 5620 Dodds Drive (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Scott Ward.

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

Scott Ward, the applicant, explained that he would like permission to place the fence in the required front yard to provide some privacy for his family when they are using their small rear yard. He indicated that there is substantial existing landscaping on both sides of the sidewalk where the fence would be located.

Rich McMurray, 5635 Dodds Drive, asked if the fence would enclose the yard or if the goal is merely to provide privacy. Ward explained that the purpose of the fence is to provide screening for the neighbor to the north and Moencks Road and will end at the same point as the front of the house. He added that the fence would not enclose the rear yard.

Margo Friemel, 5705 Dodds Drive, asked of kind of fence it would be and if it would be placed directly adjacent to the sidewalk. She commented that the existing pine trees already encroach into the sidewalk and narrow it substantially and questioned if the trees would remain.

Soenksen explained that fences are required to be placed on the property line which is typically located 1 foot behind the sidewalk. He added that applicant would be required to locate the property pins to ensure proper placement. He commented that the request is very similar to the one presented at last month's meeting for 3460 Oakory Lane.

Ward stated that he does not plan to remove any trees, adding that it would be a 6-foot high wooden fence with scalloped edges and would be placed at least 1 foot from the sidewalk. He indicated that he plans to put the fence as far from the sidewalk as practicable given the slope of the yard.

Jerald Jacques, 5670 Dodds Drive, expressed concern that approving the fence may establish a precedent and that other neighbors may wish to make the same request. He added that he is not necessarily opposed to the request as presented.

Johnson stated that when she had walked along the sidewalk at the applicant's house she had noted that there are a lot of branches overhanging the sidewalk leaving only approximately 3 feet of walkable pavement. She commented that the house at 5660 Dodds Drive is not necessarily comparable because there are no trees on the west side of the sidewalk impeding access. Johnson asked how the city could ensure that the sidewalk remains walkable and that the trees are maintained. She asked if the applicant is willing to install the fence as far to the east as possible.

Ward explained that the trees on the west side of the walk need to be trimmed before the fence can be installed anyway. He indicated that he had moved into the house in February and does not know who is responsible for trimming the trees on the other side. He stated that he has instructed the fence contractor to place the fence as close to the house as possible while avoiding the root system of the trees.

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 as shown on Attachment B be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 14-055; 4500 Utica Ridge Road (C-6) - A request for a variance to increase the allowable number of on-premises identification signs from 1 to 2 and to increase the allowable square footage of signage from 300 square feet to 513 square feet, submitted by Unity Point.

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.

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

Christy Gause, the applicant, stated that the previous request has been scaled back, adding that she does not believe that any precedent would be set by granting the request because there are so few buildings of a similar size and location in Bettendorf. She indicated that the high quality health care available contributes to a better quality of life for the citizens of Bettendorf.

Voelliger asked if the sign is intended to be permanent. Gause confirmed this. Voelliger asked if the award is only for a finite period of time. Gause explained that Truven considers that the award is permanent. She indicated that the sign would be rigid and that there would be no waving of the material. She stated that the sign is similar to the one at Eye Surgeons Associates.

Johnson asked where the proposed sign would be located in relation to the existing signage. Gause explained that it would be near one of the signs identifying Trinity on the interstate side. Johnson asked if the proposed sign is intended to be used in conjunction with the Trinity sign. Gause stated that they would not be on the same façade but would be close to one another. She added that in order to reduce the size of the proposed sign, it was decided to not include the word Trinity on the sign.

Johnson asked if the total of 513 square feet of signage referenced in the staff report includes all of the signage on the entire building. Soenksen explained that staff considers the building to have 3 street frontages with 300 square feet of signage allowed on each. He added that the façade on which the proposed sign would be placed would have a total of 513 square feet of signage.

Falk commented that the Board's concern regarding the previous request had been the likelihood that a precedent would be set by granting the variance. He asked how much larger the proposed total signage would be than what is allowed by ordinance. Soenksen explained that the applicant is allowed up to 300 square feet of signage according to the ordinance and that the proposed square footage is 513. Johnson commented that the Board has granted variance requests of a similar nature such as at Bettendorf Christian Church. Falk asked for staff's opinion regarding the possibility of establishing a precedent by approving the proposed sign in light of the uniqueness of the site, size of the structure, and its distance from the interstate. Soenksen explained that requests like the current one are not very common, adding that the Board generally takes into consideration the size of the lot, the setbacks, and the size of the building when approving them.

Johnson commented that the proposed sign is not technically an on-premises identification sign as it does not include the name of the facility. She asked if the proposed sign could be considered to be a part of the existing Trinity sign. Soenksen explained that the sign ordinance does not include a category of sign that perfectly describes the proposed one, adding that on-premises identification sign seemed to him to be the closest match. Johnson commented that the applicant does not really have the option of placing the proposed sign directly adjacent to the existing Trinity sign because of the configuration of the building.

Voelliger expressed concern about the permanency of the sign, adding that the possibility exists that the hospital will not receive the award named on the sign in the future. Gause explained that the award is new for the Bettendorf facility but that other Trinity facilities in the area have been designated as top-performing in the past. She stated that the high-quality health care that is available today is not going to go away. Voelliger indicated that while he understands the applicant's desire to advertise, the Board must consider the precedent that could be set by granting the request.

A brief discussion was held with regard to whether the Board would have the same concerns that have been expressed if the existing sign and the proposed sign were combined. Voelliger indicated that his concern is mainly related to the fact that the proposed sign does not identify the facility and that it would be permanent. Gause stated that the regardless of which direction a motorist is traveling on the interstate, both signs will be visible at once and basically serve as one sign. She commented that Truven Analytics considers that a facility is a Top 100 Hospital going forward even though the award was given in 2014.

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

Johnson commented that because of the proximity of the proposed sign to the existing one, she would consider them to be more of a combination identification sign and is supportive of the increase in the number of allowed signs only for that reason. She added that she has a certain level of comfort with the request because of the size of the property and building and the large setbacks.

On motion by Johnson, seconded by Falk, that a variance to increase the allowable number of on-premises identification signs from 1 to 2 and to increase the allowable square footage of signage from 300 square feet to 513 square feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- c. 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. **(Deferred to meeting of August 14, 2014)**

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

These minutes and annexes approved \_\_\_\_\_

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John Soenksen, City Planner