

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 10, 2017
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Clements, Falk, Gallagher, Spranger, Voelliger

ABSENT: None

STAFF: Curran, Fuhrman, Soenksen, Connors

Voelliger introduced Chris Curran, the newly-hired City Attorney.

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of July 13, 2017.

On motion by Falk, seconded by Gallagher, that the minutes of the meeting of July 13, 2017 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 17-065; 2925 - 18th Street (PUD)** – A request for variance to allow an accessory structure in an established front yard, submitted by Family Video/Oliver Owen.

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.

Oliver Owen, the applicant, explained that Family Video owns the property where the store is located and would own the machine, adding that currently there are ice machines at their locations in Davenport and Moline. He stated that the proposed location is the most logical one

on the site as the intersection at Tech Drive would be blocked if the machine were placed on the north side of the building.

Voelliger commented that the Board granted a special use permit for a snow cone stand on 18th Street but which was temporary. He added that the proposed use would be permanent. Owen explained that the machine would be anchored in the asphalt. He indicated that the machine uses reverse osmosis water that is then used in the ice-making process. He stated that the water and ice are very affordable.

Gallagher stated that the staff report indicates that there are currently three businesses located on the site. Soenksen stated that the original site plan provided space for two businesses and that there were two parking spaces in excess of what was required at that time. He explained that since that time another business has located there also needing parking space. He explained that the original number of required on-site parking spaces provided was determined when there were only two businesses. He indicated that the proposed ice machine would reduce the number of available parking spaces by at least two. Soenksen stated that while he has never seen a parking problem at the location, the proposed machine would further increase the shortage of required parking.

Spranger asked if customers would walk or drive up to the ice machine. Owen stated that customers would walk up to the machine, would pay with credit card or cash, and that the typical transaction takes approximately 1-2 minutes.

Voelliger asked if any other location on the site had been considered. Owen stated that consideration was given to placing the machine on the side of the building but that it had been determined that that location wouldn't be visible enough. He added that in order to install the machine, the plumbing and electrical systems must be bored underneath the parking lot. He indicated that it is most cost-effective to bore in a straight line. Owen commented that the tree indicated aerial photo in the staff report is no longer there.

Clements asked if the signage on the machine is on all four sides. Owen confirmed this, adding that the signage on the machine at the location in Moline was reduced significantly per that city's request. He indicated that several designs are available from the manufacturer.

Falk expressed concern about the precedent that would be set by granting the variance. He commented that in effect the proposed machine is a sign.

Voelliger commented that the proposed machine would reduce the number of parking spaces available for the three businesses located on the site.

Gallagher asked how long Cost Cutters has been in operation at that location. Owen stated that they have been there between 3 and 4 years. He indicated that Family Video does not propose to locate ice machines at stores where available parking is inadequate.

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 Voelliger, seconded by Falk, that a variance to allow an accessory structure in an established front yard be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. **Case 17-066; Lot 3, Interstate Technology Park Fifth Addition (C-6)** – A request for a variance to allow parking in a required front yard adjacent to Tanglefoot Lane, submitted by Strategic Behavioral Health, LLC/Rob Elsner. (Deferred to meeting of September 14, 2017)
- c. **Case 17-069; Lot 3, Interstate Technology Park Fifth Addition (C-6)** – A request for a variance to allow parking in a required front yard adjacent to Interstate 74, submitted by Strategic Behavioral Health, LLC/Rob Elsner. (Deferred to meeting of September 14, 2017)
- d. **Case 17-073; Lot 3, Interstate Technology Park Fifth Addition (C-6)** – A request for a variance to reduce the required rear yard setback from 50 feet to 5 feet and to reduce the required side yard setback from 10 feet to 5 feet to allow construction of a future structure, submitted by Strategic Behavioral Health, LLC/Rob Elsner. (Deferred to meeting of September 14, 2017)

Item 5. Review of Case 16-027; 4555 Utica Ridge Road, submitted by Katie Sommers.

Soenksen reviewed the proposed signage.

Jay Sommers, representing the applicant, explained that the original application for a variance for a sign had included photos of signs that would be similar to the one proposed. He indicated that photos of the final design of the sign were submitted to the city in order to ensure code compliance. Sommers stated that the location of the proposed sign would not obstruct the vision of motorists at the intersection of Utica Ridge Road and Crow Creek Road. He added that the intersection is signal-controlled. He indicated that the sign location has changed slightly, explaining that instead of being located in a parking space it would be sited adjacent to the driveway.

Voelliger asked if there are any signs of a similar height in the area. Connors commented that the Miller-Meier sign is approximately the same height. Sommers stated that it is actually taller, adding that the new RIA Credit Union sign is approximately the same height as the proposed ReMax sign.

Voelliger asked if the sign would be placed in the same location as originally proposed. Sommers explained that it would be located slightly south of the original location and directly adjacent to the driveway.

Falk asked if the sign would be placed at a similar setback as other signs on the same side of Utica Ridge Road. Soenksen stated that a variance was granted for the sign at the Miller-Meier location. He added that the proposed sign would be set back approximately the same distance as the Miller-Meier sign which is a pole sign.

Connors stated that because the examples of signs submitted with the original application are so dissimilar from the rendering included with the building permit application, he felt that additional review was necessary. He indicated that the Board must determine whether a variance would have been granted for the proposed sign as detailed on the building permit application.

Gallagher commented that the area of the sign was not discussed during the public hearing regarding the variance. He added that it is difficult to determine the height of the photos of the signs that were submitted with that request. Voelliger commented that the signs do not appear to be 17 feet tall.

Spranger asked if the Board had approved a specific size of the proposed sign. Soenksen stated that the proposed sign meets the code requirements with regard to height and square footage.

Falk commented that the photos of signs that were originally submitted are all of a monument style. Gallagher indicated that perhaps the Board could be more specific in the future. Falk added that he does not feel that the proposed sign is that dissimilar from the examples that were submitted originally. Gallagher concurred.

Voelliger stated that the consensus of the Board is that the permit for the sign as submitted with the application should be approved.

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