

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
OCTOBER 9, 2008
5:00 P.M.**

Chairman Stelk called the meeting to order at 5:20 p.m.

Item 1. Roll Call

PRESENT: Eikenberry, McElhiney, Stelk
ABSENT: Howe
STAFF: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of August 14, 2008.

On motion by McElhiney, seconded by Eikenberry, that the minutes of the meeting of August 14, 2008 be approved as submitted.

ALL AYES

Motion carried.

Item 4. Introduction of Janina Faerber.

Soenksen introduced Janina Faerber, who is an intern visiting the city from Bettendorf's sister city, Kronach, Germany.

Item 5. The Board to hold a public hearing on the following items:

- a. Case 08-082; 1048 Grant Street (R-2) - A request for a variance to increase the allowable height of an accessory structure from 15 feet to 18 feet, submitted by Bryan and Melissa Auliff.

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.

Faerber reviewed the staff report. Staff report is Annex #3 to these minutes.

Soenksen stated that if the applicant chooses to heat the structure, it must be placed on permanent footings, not a slab. He added that the applicant is also responsible for obtaining permission for the proposed construction from the involved utility companies.

Bryan Auliff, the applicant, reiterated that the purpose of the structure is to gain additional storage beyond what would be available in a traditional garage. He added that he hopes to avoid parking the family's vehicles on the street in front of the home.

Stelk asked if the applicant understands the requirement for permanent footings if the structure is to be heated. Auliff stated that while he had been unaware of the requirement, he does not want to spend the additional money required to heat such a large structure with a forced air furnace. Stelk reiterated that if the proposed garage is not placed on permanent footings, it cannot be heated.

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 Eikenberry, seconded by McElhiney, that the request for a variance to increase the allowable height of an accessory structure from 15 feet to 18 feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 08-089; 1848 Anderson Court (R-2) - A request for a variance to reduce the required rear yard setback from 25 feet to 9 feet to allow for a 12 ½-foot by 18-foot deck addition, submitted by Kristine Thorpe.

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. He indicated that had received phone calls expressing concern about the request from Robert Pint, 1422 - 19th Street; Herb Wetzel, 1408 - 19th Street; and Forrest Buckley, 1412 - 19th Street. He stated that their concern is relative to the proposed placement of the deck near an existing drainage easement and its effect on it.

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

Brad Clevenger, representing the applicant, explained that the existing deck is not large enough for a patio table and chairs nor is there enough room to entertain. He indicated that he and the applicant would like to add on to the rear of the deck, leaving the width the same. He stated that he would not be opposed to reducing the length the proposed deck. Clevenger explained that only the footings would be placed near the berm, adding that he does not believe that they would impede the drainage of storm water. He indicated that he does not plan to change the shape of the ground, adding that he would be willing to reduce the width of the deck such that it does not encroach into the utility easement.

Robert Pint, 1422 - 19th Street, explained that he experienced drainage problems in the past, prior to the development of Anderson Court. He stated that at the time the subdivision was platted, it was initially proposed to build the homes on Anderson Court on a plateau while substantially increasing the grade change toward 19th Street. Pint indicated that an agreement between the city and the developer was reached to install an 18-inch high berm that would run the full length of the property. He stated that the final plat indicates a 10-foot wide drainage easement entirely on Anderson Gardens property and that the grading shall not be changed in any way that would alter the natural flow of water. Pint explained that the storm water running east of the berm would be handled by the easement located in Anderson Gardens, that any water coming to the berm would be channeled north to a storm water detention basin, and that the subdivision would be graded such that no water would ever come onto adjacent properties. He stated that if the Board approves the proposed request, the deck would encroach on over half of the drainage easement. Pint stated that he is not opposed to the proposed deck as long as it does not negatively affect him and his neighbors. He requested that the Board deny approval for construction of any type of structure in the drainage easement as per the final drainage and erosion control plan approved by the city.

Eikenberry asked for clarification regarding the width of the drainage and utility easement. Soenksen explained that it is 10 feet wide on the lot in question. Eikenberry asked how wide the berm is and if the water would flow past the edge of it. Soenksen stated that the rear property pin is located approximately 3 feet on the east side of the berm, adding that all of the drainage would be on Lot 6 and would travel north. Eikenberry stated that he does not believe that footings should be placed in the drainage path. Soenksen indicated that because the proposed deck would in effect be a second-story structure, only the 4-inch by 4-inch posts would be in the drainage easement. He added that if the deck is enclosed underneath for use as storage, that construction would certainly impede the flow of water.

Forrest Buckley, 1412 - 19th Street, asked who had made the site visit to evaluate the request and determine the exact location of the proposed deck. Soenksen explained that staff always visits at least once, adding that he had found a property pin so that the measurements are exact. He stated that the fence is located approximately 6 feet from the property line.

Buckley asked if all of the documents that were referenced by Pint had been reviewed by staff. Soenksen stated that he had checked the entire file and feels as though the berm is accomplishing its intended purpose.

Eikenberry stated that he would not object to a deck extension, but feels that the proposed deck is too large. He added that he would be comfortable approving a deck if the footings were placed at least 5 feet from the edge of the easement. Soenksen explained that if a 6-foot extension were approved, the deck would be no closer than 6 feet to the easement.

McElhiney stated that she feels that the Board has an obligation to uphold the details of the agreement between the city and the developer with regard to the drainage easement. Eikenberry stated that as long as the footings are kept out of the drainage easement, he would be comfortable granting a modified request. Stelk concurred.

Buckley commented that he feels as though the city should have informed the applicant of what would be allowed by Code. Soenksen stated that he had, adding that because the proposed deck is not allowed by Code, a variance is necessary.

A discussion was held regarding the appropriate distance that the deck footings could be placed from the berm and not interfere with the drainage easement. Eikenberry suggested that the footings be placed no closer than 6 feet to the west of the drainage easement, adding that this would allow a 2-foot deck overhang. Soenksen stated that this solution would allow placement of the deck approximately 14 feet from the property line.

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 Eikenberry, seconded by McElhiney, that the request for a variance to reduce the required rear yard setback from 25 feet to 15 feet to allow for a deck addition be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #7 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 6:15 p.m.

These minutes and annexes approved

John Soenksen
City Planner