

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
DECEMBER 11, 2008
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of November 13, 2008.

On motion by Voelliger, seconded by Howe, that the minutes of the meeting of November 13, 2008 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 08-106; 4104 and 4112 Lilienthal Street (R-2) - A request for a variance to reduce the required front yard setback from 25 feet to 0 feet, submitted by Chuck Pekios.

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 commented that subsequent to the staff report's being distributed, the applicant pointed out that a new elementary school will be located directly across the street from the site which will generate additional traffic.

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

Chuck Pekios, the applicant, explained that there have been four new subdivisions built in the area since 2000 and that the traffic volume has substantially increased since then.

He indicated that Hopewell Avenue will be paved in 2009 and that there will be an 80-foot right-of-way. Pekios stated that the street will be 29 feet wide and that city sidewalk will be installed. He expressed concern about the safety of pedestrian traffic on Hopewell Avenue, adding that the lot and house would be difficult to sell without there being a fence in the requested location because of the lack of privacy. He indicated that most of the utilities in the area are underground, adding that he has received a letter from MidAmerican Energy expressing no opposition to the request.

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

McElhiney expressed concern about the Board's approving requests for undeveloped properties. She asked if it is possible that the right-of-way along Hopewell Avenue will ever exceed 80 feet. Soenksen explained that the Hopewell Avenue is indicated on the city's thoroughfare plan as a collector street, adding that the plan was completed in 1988. He indicated that major streets are characterized as being 100-150 feet wide, not 80 feet. McElhiney commented that she believes that Hopewell Avenue will eventually become a major street because of all the development taking place.

McElhiney asked where the proposed fence would be located in relation to Hopewell Avenue after it is complete. Connors explained that the fence will be approximately 1 foot behind the city sidewalk.

McElhiney commented that every homeowner along the corridor will likely wish to install a similar fence. Voelliger asked if there would be adequate sight distance after the road is improved. He commented that there should be a turn lane into the school on Hopewell Avenue. Connors stated that a traffic study is currently being completed with regard to the effects of and the requirements for the new school.

McElhiney expressed concern about granting the request without having a clear view of the effects of development in the area. Howe concurred, adding that the Board has been very selective with approval of similar requests. He stated that he is not in favor of allowing 6-foot high fences near the sidewalk on main arterials. Howe stated that he does not believe that development of the area will significantly increase the traffic count along Hopewell Avenue. He commented that he is unaware of any schools in the area that have 6-foot high fences surrounding them. He indicated that he would be willing to compromise on the location of the proposed fence as he is not in favor of placing a 6-foot high fence so close to the sidewalk, especially as it would be located on a berm.

Pekios stated that the fence would be considerably further from the sidewalk. Connors explained that historically city sidewalk is placed 1 foot outside the property line.

Connors asked if the berm is located on the city's right-of-way. Pekios indicated that it is not. Connors stated that because of the berm's location, the fence would likely be placed in the center of it and therefore would be a few feet from the sidewalk.

Howe stated that he would not be comfortable approving the request because there are so many unknowns. Voelliger concurred, adding that he would prefer that the

future homeowner apply for the variance if he or she wishes to install a fence. He indicated that he might also be amenable to a modified request after the road improvements are made.

Stelk commented that the continuous fence that is located along 53rd Avenue in the Schaefer Farms development was not placed on the property line. Connors explained that on through lots, a 6-foot high fence is allowed to be placed 10 feet from the rear property line provided that plantings are installed every 25 feet on the street side.

McElhiney reiterated that the Board must be very careful when considering similar requests in undeveloped subdivisions.

Howe commented that Hopewell Avenue is not comparable to 53rd Avenue or 18th Street as far as the traffic count is concerned, adding that is more similar to Crow Creek Road. He indicated that the Board has consistently denied this type of request for properties on Crow Creek Road.

Connors commented that if the applicant chose to do so, a fence could be installed 10 feet from the rear property line if plantings are installed.

Howe stated that he does not believe that the salability of the property is not a legitimate hardship that would justify approving the request.

Pekios commented that the topography of the lot would not be conducive to placement of a fence as allowed by ordinance as it would not serve the intended purpose.

On motion by McElhiney, seconded by Howe, that the request for a variance to reduce the required front yard setback from 25 feet to 0 feet for a 6-foot high fence be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 08-107; 3898 Valley View Drive (A-2) - A request for a variance to reduce the required side yard setback from 5 feet to 3 feet, submitted by George W. Palmer.

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.

McElhiney commented that the lot is unique in that there is very little buildable area because of the topography and the presence of utility easements. Other board members concurred.

On motion by Voelliger, seconded by McElhiney, that the request for a variance to reduce the required side setback from 5 feet to 3 feet to allow for a garage addition 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 5:35 p.m.

These minutes and annexes approved

John Soenksen
City Planner