

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
MARCH 13, 2008
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of February 21, 2008.

On motion by Howe, seconded by Stelk, that the minutes of the meeting of February 21, 2008 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 08-014; Lot 3, Hoffman's First Addition (A-1) - A request for a variance to reduce the required rear yard setback from 50 feet to 30 feet, submitted by DG Storage, L.L.C.

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.

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

Kevin Koellner, the applicant, commented that the proposed use is less intense than the outdoor storage for which the site was previously used. He added that the requested 30-foot rear yard setback is substantial and that the use will be heavily screened from the adjacent property owner by the extensive existing and proposed plantings. Koellner explained that he plans to work with his neighbors with regard to landscaping.

Howe commented that the request is very straightforward and indicated that he would be comfortable approving it. Stelk concurred.

Voelliger asked for clarification regarding the distance between the north property line and the proposed building closest to it. Soenksen stated that the required 50-foot setback distance will be maintained.

Voelliger asked if the property to the east could ever be developed. Soenksen explained that it would not be restricted because of any flood plain issues, but that it is extremely unlikely that it would ever be developed because of the difficult topography.

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 Howe, that the request for a variance to reduce the required rear yard setback from 50 feet to 30 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 08-015; 2540 State Street (C-2) - A request for a variance to reduce the required front yard setback from 20 feet to 0 feet, submitted by JCO Properties, L.L.C.

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.

Voelliger asked if the applicant had considered diagonal parking as a means of reducing the proposed intrusion into the setback. Kevin Koellner, the applicant, explained that angled parking would encourage a one-way way traffic pattern which would be undesirable as traffic congestion would be increased when vehicles exit near the point.

Stelk asked if city staff has reviewed the parking lot configuration. Soenksen explained that the requested variance is the first step in the approval process, adding that both the Planning and Zoning Commission and City Council will review the site development plan. He added that staff requires a 24-foot wide lane between rows of parking spaces, indicating that the site plan shows a 26-foot wide separation. Beck commented that in the past the Board has granted variances allowing front yard parking on the property.

Howe stated that he believes that the proposed building would enhance the downtown. He asked if any new construction at a 0-foot setback has been allowed since the inception of the downtown redevelopment plan. Soenksen stated that it has

not. Howe commented that it is unlikely that during discussions with regard to downtown redevelopment it had been indicated that it would be desirable to have new buildings constructed at 0-foot setbacks. Soenksen concurred, but added that the site is unique in that it has three front yards.

Howe asked if the applicant had considered either a smaller building or relocating the building so that the front yard setback could be observed along State Street which is more noticeable. Koellner stated that many configurations had been considered, but indicated that if the building were to be flipped as suggested a greater variance would be required.

Howe asked how other Board members feel about setting such a precedent for new construction in the downtown and the possibility of flipping the building so that it would meet setback requirements along State Street. Stelk indicated that while it might be more preferable for the building to meet setback requirements along State Street, the lot's configuration is very unique. He added that he does not believe that any sort of precedent would be set because there are no other similar lots along State Street.

Howe expressed concern that approving the variance would be contradictory to the city's intent to have more greenspace along State Street. Beck stated that the constraints on this particular property would limit the possible amount of plantings that could feasibly be installed. He added that it is very important that traffic flows safely at this particular location. Soenksen stated that staff would be concerned by any changes that might reduce the number of parking spaces on the site as flipping the building might do.

Voelliger asked if parking would still be allowed on State Street. Soenksen confirmed this, adding that it is highly unlikely that anyone would choose to do so when on-site parking is readily available.

On motion by Howe, seconded by Voelliger, that the request for a variance to reduce the required front yard setback from 20 feet to 0 feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- c. Case 08-016; 852 Middle Road (C-2) - A request for a variance to allow an additional shopping center sign, submitted by Lange Sign Group.

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 #7 to these minutes.

Voelliger asked for clarification regarding the required property line reconfiguration, indicating that he had been under the impression that the centerline of Kimberly Road is the dividing line between Bettendorf and Davenport. Soenksen confirmed this, explaining that the property line in question is the boundary of Duck Creek Plaza Third Addition. He indicated that the ownership of the property involved is not clear, adding that prior to the sign's being installed it would have to be replatted.

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

Jeff Brownell, PFDA Architects, stated that while the request is for an additional shopping center sign, it is actually intended to identify the office/bank building located at 852 Middle Road. He added that because of the confusion caused by the entrance to the building's being located along Kimberly Road, the proposed signage is especially important.

Gordon Johnson, the applicant, explained that the proposed sign will alleviate some of the safety concerns caused by the lack of directional signage.

On motion by Howe, seconded by Voelliger, that the request for a variance to allow an additional shopping center sign be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

- d. Case 08-017; 3027 State Street (I-2) - A request for a special location plan to allow off-site parking, submitted by Jewell Group. (Deferred to meeting of April 10, 2008)
- 5. Other.

Stelk welcomed Norm Voelliger as a newly-appointed member of the Board of Adjustment.

Soenksen stated that the District Court had recently ruled with regard to the electronic billboard located at Devils Glen Road and Middle Road and had upheld the Board's decisions with regard to the matter.

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

These minutes and annexes approved

John Soenksen, City Planner