

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  
JUNE 10, 2010  
5:00 P.M.**

Chairman Pro Tem McElhiney called the meeting to order at 5:00 p.m.

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of May 13, 2010.

On motion by Voelliger, seconded by Howe, that the minutes of the meeting of May 13, 2010 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 10-023; 1410 Prairie Vista Drive (R-1) - A request for a variance to allow a 4-foot high fence in a required front yard setback, submitted by Thomas and Heidi Kellenberger.

McElhiney 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 stated that a letter in opposition to the request had been received from Louise Sullivan, 4221 Amesbury Drive. Letter is Annex #4 to these minutes.

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

Tom Kellenberger, the applicant, explained that because of the unusual configuration of the lot and the topography involved, he would like to enclose the flatter portion of the

lot on the north side. He added that he does not believe that the proposed fence would pose any type of visual obstruction. Kellenberger stated that he would like to maximize the usable portion of his yard and protect his children.

Howe asked for clarification regarding the egress points from the house. Kellenberger explained that there is a door from the basement and one from the back deck.

Howe asked if the applicant has considered installing a 3-foot high fence which could accomplish the same goals. Kellenberger stated that to him it seems as though 3 feet is too short.

Voelliger asked if the proposed fence would be located on city right-of-way. Soenksen stated that it would be completely on the applicant's property.

McElhiney commented that a similar request was made for a house with a frontage on Crow Creek Road that was denied by the Board. She indicated that the Board has been very consistent with regard to this type of case.

Howe asked where the neighbor who objects to the request lives. Soenksen explained that Sullivan lives immediately east of the applicant's property. Howe asked if the proposed fence would pose a visual obstruction for her when exiting her driveway. Soenksen commented that the fence would be on the easternmost property line. He indicated that if the vision triangle is measured from the fence it likely would not pose an obstruction. He added that if the 35-foot distance is measured from the neighbor's driveway, it probably would affect the neighbor's vision.

Falk asked if a 4-foot high fence placed 10 feet from the sidewalk on the north side and the remainder as proposed would be allowed. Soenksen confirmed this. Kellenberger reiterated that he would lose a large portion of the flat, usable area of his yard if he were to do this. McElhiney commented that a 3-foot high fence would be allowed to be placed on the property line and would accomplish the applicant's goal. Soenksen stated that the applicant could vary the height of the fence between 3 and 4 feet to meet setback requirements. Kellenberger expressed concern that his dog could jump over a 3-foot high fence.

Howe reiterated that the Board has been very consistent with regard to variance requests for these types of cases. He commented that he would not be in support of the applicant's request. Voelliger concurred.

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

On motion by Howe, seconded by Falk, that the variance to allow a 4-foot high fence in a required front yard be denied in accordance with the Decision and Order.

Motion carried.

Decision and Order is Annex #4 to these minutes.

Kellenberger asked for clarification regarding where a 4-foot high fence would be allowed. Soenksen explained that a 4-foot high fence is allowed to be placed 10 feet from the property line which is typically 1 foot behind the sidewalk.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:50 p.m.

These minutes and annexes approved

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John Soenksen  
City Planner