

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  
JULY 8, 2010  
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Howe, McElhiney, Stelk, Voelliger  
ABSENT: None  
STAFF: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of June 10, 2010.

On motion by Voelliger, seconded by Howe, that the minutes of the meeting of June 10, 2010 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 10-028; 3493 Adele Lane (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard setback, submitted by Steve Saunders.

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.

McElhiney asked what type of fence the applicant has proposed. Steve Saunders, the applicant, explained that the fence would be a painted white panel, would have 8-inch by 8-inch posts, and would be finished on both sides. He indicated that it would run parallel to the ground.

Howe commented that the proposed variance request appears to be consistent with previously granted requests along major thoroughfares, adding that there is a large landscape buffer.

An unidentified neighbor asked how the fence would tie in with his existing 5-foot high fence. Saunders explained that only the post corners of the two fences would touch.

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 variance to allow a 6-foot high fence in a required front yard be approved in accordance with the Decision and Order.

Motion carried.

Decision and Order is Annex #3 to these minutes.

- b. Case 10-029; 4125 Squire Drive (R-2) - A request for a variance to allow a 4-foot high fence in a required front yard setback, submitted by Charles and Barb Puchta.

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 #4 to these minutes.

Howe asked for clarification of the distance the proposed fence would be from the sidewalk. Soenksen explained that it would be approximately 15 feet from the sidewalk, adding that the area between the sidewalk and the applicant's property line is city right-of-way.

Voelliger asked if the fence would be completely on the applicant's property. Soenksen confirmed this.

Howe commented that he does not have any concerns with regard to the proposed variance because the proposed fence would not be adjacent to the sidewalk. Soenksen commented that the Board does not have the right to grant a variance to place a fence on property owned by someone other than the applicant.

There being no one present wishing to speak in favor of or in opposition to the request, Stelk 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 approved in accordance with the Decision and Order.

Motion carried.

Decision and Order is Annex #5 to these minutes.

- c. Case 10-030; 5323 Julie Ann Court (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard setback, submitted by Christopher and Barbara Wills.

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 #6 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.

On motion by Voelliger, seconded by Howe, that the variance to allow a 6-foot high fence in a required front yard be approved in accordance with the Decision and Order.

Motion carried.

Decision and Order is Annex #7 to these minutes.

Connors asked for the Board's opinion with regard to a possible zoning ordinance amendment regarding fences in front yards and on through lots. He commented that most of the requests for variances are for 4-foot high fences.

Voelliger stated that he is not opposed to an ordinance amendment as long as the fences do not impede traffic or interfere with the vision triangle. Howe concurred, adding that he would not be supportive of allowing 4-foot high solid fences in front yards as they appear to close in a neighborhood and can be aesthetically detracting. He recommended that if 4-foot high fences are to be allowed in front yards, they should be required to be somewhat open.

McElhiney concurred. She expressed concern about allowing carte blanche with regard to fence materials. She stated that oftentimes wooden fences fall into disrepair, that chain link fences are unattractive, and that panel fences tend to wall off a neighborhood. She suggested possibly imposing conditions on what type of fence material is allowed. Howe concurred.

Howe expressed concern about the visual impact of panel fences on the city for motorists and pedestrians. Voelliger stated that he does not necessarily believe that 6-foot high solid fences should be allowed along the right-of-way as it could cause a vision obstruction.

Howe suggested that the ordinance be worded to recognize the fact that corner lots have two front yards and allow some latitude for them. He added that perhaps the second front yard could be considered to be a side yard and a taller fence could be allowed if it is placed behind the building line of the house and is not located on the sidewalk.

Falk stated that there are restrictive covenants in place for many of the newer subdivisions. He suggested that any changes be communicated in some way to subdivision developers.

Voelliger asked if restrictive covenants would override city ordinances. Connors explained that it is possible that the covenants are more restrictive than city code. He indicated that the city's standard rule is that whichever requirement is more restrictive governs.

Falk commented that typically architectural control does not revert to a homeowner's association until such time as a subdivision is fully developed. Howe stated that oftentimes a homeowner's association allows an exception that establishes a new precedent.

Soenksen stated that he would be presenting a proposed sign ordinance revision to the Planning and Zoning Commission meeting. He indicated that such items as brightness, motion, and size would be addressed.

McElhiney asked if there would be consideration of number of lumens allowed and new technologies that may be available in the future. Soenksen confirmed this, adding that the proposed ordinance is very generic.

Voelliger asked when the meeting would be held. Connors stated that it would be July 21.

Howe asked if the Board would have any role during the approval process. Soenksen explained that the ordinance would be presented first to the Planning and Zoning Commission and that final approval would come from the City Council. Howe requested that the proposed ordinance be e-mailed to the Board members for their review and possible comment.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:25 p.m.

These minutes and annexes approved

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John Soenksen  
City Planner