

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 14, 2010
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of September 9, 2010.

On motion by Voelliger, seconded by Falk, that the minutes of the meeting of September 9, 2010 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 10-040; 1737 Grant Street (C-2) - A request for a variance to reduce the required sign setback from 15 feet to 12 feet and to allow an electronic programmable sign in the Downtown Riverfront Corridor Overlay District (DRCOD), submitted by Classical Graphics.

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.

David Howard, representing the applicant, explained that the current building sign is difficult to see. He stated that the building sign will be removed and replaced with a monument sign that is wind rated for up to 120 miles per hour and will not rust.

Voelliger commented that it does not appear that the proposed sign would pose any visibility problems as it is to be located behind the building line of the adjacent structure.

Falk asked if the proposed sign would be required to meet the requirements of the newly-adopted sign ordinance revision. Soenksen confirmed this, adding that the LED portion of the sign would be limited to 60 square feet and that the sign must use either scrolling alphanumeric characters or display the characters for at least 6 seconds. He indicated that the proposed sign has only 36 square feet of electronic programmable type. Howard confirmed that the sign is fully programmable and that the applicants are willing to follow any guidelines the city might impose.

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 Falk, that the variance to reduce the required sign setback from 15 feet to 12 feet and to allow an electronic programmable sign in the Downtown Riverfront Corridor Overlay District be approved in accordance with the Decision and Order.

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 10-042; 431 Fourth Street (R-2) - A request for a variance to increase the allowable garage area by 464 square feet to allow construction of a 1,200 square foot garage, submitted by Gary Boche.

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.

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

Gary Boche, the applicant, explained that the proposed garage would have three doors which would face the alley. He stated that the house and lot are large enough to accommodate a garage of this size. He indicated that he owns a business in Muscatine, but has no intention to use any part of the proposed garage for anything but residential purposes. Boche explained that the exact setback has yet to be determined, adding that it would be of an open truss construction.

Falk asked if the applicant drives a commercial vehicle to and from work. Boche confirmed this. Falk asked if more than one commercial vehicle would be at the applicant's residence at one time. Boche stated that there would be only one. Falk asked if the vehicle would be parked in the garage. Boche confirmed this.

Voelliger stated that he believes that the garage is appropriate for the area.

Stelk expressed concern about the size of the garage relative to the house as they appear to be approximately the same size. He indicated that the size of the proposed garage seems excessive, adding that he realizes that the double lot allows room for it.

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 Falk, that the variance to increase the allowable garage area by 464 square feet to allow construction of a 1,200 square foot garage be approved in accordance with the Decision and Order.

Falk commented that he would support the request only if the condition that it never be used for commercial purposes is imposed. Voelliger concurred.

Soenksen explained that the living area is 1821 square feet, adding that a 736 square foot garage would be allowed by Code. He stated that one neighbor had expressed concern about the garage being used for business purposes.

ROLL CALL ON MOTION

ALL AYES

Motion carried.

Soenksen stated that staff would not consider one commercial vehicle used by the applicant to travel to and from work as a business use.

Decision and Order is Annex #6 to these minutes.

- c. Case 10-043; 15 Oak Park Drive (R-1) - A request for a variance to reduce the required front yard setback from 35 feet to 12 feet and to increase the allowable garage area by 875 square feet to allow construction of an additional 992 square foot garage, submitted by Lane Buck.

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. Stelk asked for clarification regarding the exact required setback reduction that is being requested. Soenksen explained that because of the configuration of the houses on the lots in the neighborhood, no established setback can be accurately determined. He added that this may be to the applicant's detriment.

Stelk asked if the garage would encroach on the sloped area if it were moved back. Soenksen stated that the garage would be placed as close as is practicable to the ravine.

Falk asked if the single-car garage that the applicant is proposing to enclose is being considered a garage or living space. Soenksen explained that until it is actually converted, it is considered to be a garage and is included in the calculation of living area to garage ratio. He added that if different doors were installed which would render it unusable for parking a car, it would be considered as a storage area rather than as a garage or living space.

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

Lane Buck, the applicant, indicated that he is already under contract with a builder who will install two 3-foot wide swinging doors on the single-car garage. Stelk asked if the applicant's intent is to convert it to actual living area. Buck stated that it would be used for storage only. He added that originally the structure built as two sheds with a common roof and that there are two separate slabs. He explained that the last resident had used it as a workshop. Buck stated that across the front of the attached garage is a 44-inch deep by a 20-foot 10-inch concrete step up that precludes parking in the structure. He indicated that actual usable parking space inside the garage is much less than it appears.

Buck stated that the rear half of the attached garage is built on the ravine on a concrete block foundation. He indicated that if the variance is granted, he intends to pour the foundation and footings this year. He added that he plans to allow the footings and foundation to settle over the winter and construct the garage next year.

Buck explained that he did not feel it was necessary to proceed with specific plans for the garage until he knew whether or not a variance would be granted. He indicated that if a variance is not granted, he would then consult an architect so that a determination could be made about what size and type of garage would be allowed.

Buck stated that he has three vehicles that he would like to park in a garage, adding that he currently rents an off-site garage for one of them. He explained that the new garage would be built over the sloped area after it has been filled. He indicated that because of the driveway and garage configuration, the doors for the new garage would face the existing attached garage and that the garage wall closest to the ravine would be at or behind the front of the detached garage. Buck stated that an architect would determine how close to the ravine the new garage could feasibly be built.

Stelk asked for clarification regarding the size and configuration of the proposed garage. Buck explained that he had been instructed when applying for the variance to indicate the worst case scenario with regard to size and placement. Soenksen commented that applicants are asked to do this because if the size or location is altered in any way, a second variance request may be necessary.

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

Mike Stopulos, 16 Oak Park Drive, stated that he would find a 12-foot setback totally unacceptable. He asked what type of materials would be used for the garage and whether or not it would fit in with the aesthetics of the neighborhood. He indicated that he is not necessarily opposed to construction of a garage but expressed concern about the placement relative to the street. Stopulos stated that he feels as though the size of the proposed garage is disproportionate to the living area of the house. He indicated that it would more palatable if the garage were as unobtrusive as possible and placed as far from the street as it can be.

Add Blackman, 2 Oak Park Drive, stated that the neighborhood is located in a unique area with old, large homes, and a great deal of foliage located on a private lane. He explained that the street is very narrow and has no curbs or sidewalks, adding that there are no fire hydrants either. Blackman expressed concern about the possibility that a fire hose could not reach the new structure should it be necessary and other issues such as safety, drainage, and reduced property values. He stated that architectural drawings would have been very helpful.

Janet Brown-Lowe, 3 Oak Park Drive, expressed concern about the aesthetics of the neighborhood if the garage is allowed. She indicated that it would be the only detached garage of the proposed nature and size and that it is disproportionately large. Brown-Lowe expressed concern about the storm water runoff that will likely sheet to her property if the existing greenspace is covered in concrete.

Stelk asked how far Brown-Lowe's house is from the proposed garage. Brown-Lowe explained that if the new garage is built on the slope, it would not be a very great distance. She indicated that she has experienced problems with storm water running off the driveway and causing erosion issues.

Brown-Lowe indicated that their subdivision is one of only a few in the city which do not have fire hydrant protection. She added that there is a great potential for fire in garages, adding that the closest hydrant is located on Middle Road. Voelliger stated that he does not believe that adequate fire protection is a concern as the fire department can extend 1500 feet of hose. Brown-Lowe disagreed, stating that the city does not guarantee fire protection in the winter. She indicated that there are negotiations taking place between the city and Iowa-American Water Company to help resolve that issue. She suggested that the attached garage be remodeled to meet his needs. She stated that while she is sympathetic the applicant's desire for a 3-car

garage, she believes that the issue should have been considered prior to the purchase of the home and eliminating the need for this type of resolution.

Falk asked if there is a homeowner's association that is responsible for the maintenance of the private drive. Brown-Lowe confirmed this. Falk asked if there are any restrictive covenants that would govern architectural control. Brown-Lowe explained that this is not the case because of the age of the development, adding that most of the properties are grandfathered.

Judy Miller, 17 Oak Park Drive, concurred with her neighbors with regard to the concerns that have been expressed. She requested more information regarding the appearance of the proposed garage, the potential for storm water runoff, and the proposed design and construction materials. She stated that she believes that this information should be made available prior to approval of the request.

David Howard, 1225 East River Drive, stated that a detached garage would give the applicant an opportunity to control drainage and possibly prevent any water from running into the ravine. He explained that filling the sloped area could deter water from entering adjacent properties. Howard stated that he feels that the construction of a new garage would increase property values rather than reduce them.

Falk indicated that he would not be comfortable approving the request without more information about the specifics of the proposed garage. Stelk concurred.

Voelliger expressed concern about the location and size of the proposed garage. He stated that the water issues could be controlled with berms and other measures. He suggested that a site visit be made and that the applicant provide more specific information about the proposed garage. Stelk agreed, adding that it is unclear exactly what the applicant is proposing.

Soenksen commented that it would be difficult to determine the exact required setback reduction because of the non-standard radius of the cul-de-sac.

Stelk asked the applicant to stake out the location of the proposed garage to enable the Board to make a more informed decision at the field visit meeting. Soenksen suggested that perhaps the applicant could obtain an architectural rendering prior to the field visit meeting. Falk stated that such a drawing would be helpful as it is very difficult to make a decision with no further details.

A brief discussion was held regarding whether a special meeting should be held. Buck stated that as far as his schedule is concerned, a special meeting would not be necessary.

On motion by Voelliger, seconded by Falk, that the variance to variance to reduce the required front yard setback from 35 feet to 12 feet and to increase the allowable garage area by 875 square feet to allow

construction of an additional 992 square foot garage be deferred to a field visit meeting.

Motion carried.

Soenksen stated that he would be in contact with the Board with regard to potential dates for a field visit meeting. Falk suggested to the applicant that as much information as possible be gathered with regard to a specific request prior to the field visit meeting.

Voelliger asked if the applicant intends to use a concrete poured foundation wall or concrete blocks. Soenksen explained that because of the size of the garage, a trench footing would be required. Buck added that there would be no water issues because no more driveway area would be necessary. He indicated that the water from the new roof would be directed toward the ravine. He stated that no additional water would be directed toward his neighbor's home.

Brown-Lowe asked if notice would be given of the site visit. Soenksen stated that he would contact the neighbors who are present at the meeting with regard to the date and time of the field visit meeting.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 6:05 p.m.

These minutes and annexes approved

John Soenksen
City Planner