

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 8, 2011  
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Howe, Johnson, 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 November 10, 2011.

On motion by Voelliger, seconded by Falk, that the minutes of the meeting of November 10, 2011 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 11-073; 6023 Whispering Hill Drive (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by John Klein.

Howe 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.

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

Voelliger asked how far the fence would be from the cornfield bordering the lot to the east. Soenksen explained that the fence would be located very near the lot line, adding that the reason the proposed fence does not extend further north is that the existing vegetation on the lot to the east provides adequate screening.

Falk expressed support for the request. He added that in addition to the pedestrian traffic that will be generated by the recreational trail, the property to the south of the

applicant's home has been sold and is to be used for residential housing. He indicated that the proposed fence will provide additional screening and privacy from the increased traffic caused by the new subdivision.

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

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 11-074; 2975 Elk Drive (A-2) - A request for a variance to reduce the required side yard setback from 5 feet to 2 ½ feet to allow for construction of a shed, submitted by Melinda Koehler.

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

Melinda Koehler, the applicant, explained that she had placed the shed in its current location because she had been under the impression that her neighbor's fence is on the property line. She indicated that the shed is 5 feet from the fence line. She added that after the concrete slab for the shed was poured, she had discovered that one corner of the shed is only 2 ½ feet from the property line, not the required 5 feet. Koehler stated that it would be prohibitively expensive to move the slab and shed.

Voelliger asked if the applicant's neighbor had expressed opposition to the request. Koehler explained that once she had explained that the property line would remain in its current location and would not be affected by a variance, her neighbor had withdrawn his objection. Soenksen added that he had given the neighbor the same information regarding the property line.

Voelliger expressed concern about a future homeowner's placing a shed in the same location if the existing one is removed. Soenksen stated that a condition limiting the variance to the existing shed could be imposed if the Board wishes. Johnson asked if such a condition would apply to expansion of the existing shed. Soenksen explained that if the applicant chooses to add on to the shed and encroach further into the setback, another variance would be required.

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

On motion by Johnson, seconded by Voelliger, that a variance to reduce the required side yard setback from 5 feet to 2 ½ feet to allow for construction of a shed be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- c. Case 11-075; 3220 Zimmerman Drive (I-3) - A request for a variance to reduce the required sign setback from 25 feet to 3 feet, submitted by Dan Santry.

Howe 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.

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

Dan Santry, the applicant, explained that the fence is not parallel to the property because there is a power pole at the westerly corner of the lot. He added that there is a gate in the fence that allows MidAmerican Energy access to the pole.

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

On motion by Johnson, seconded by Voelliger, that a variance to reduce the required sign setback from 25 feet to 3 feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

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