

NOTICE TO THE AUDIENCE. PLEASE REMEMBER THAT IF YOU ARE INTERESTED IN MATTERS ON THE AGENDA THAT WILL HAVE SUBSEQUENT MEETINGS, IT IS YOUR RESPONSIBILITY TO NOTE THE DATES, TIMES, AND PLACES. NO FURTHER LETTERS OR REMINDERS WILL BE SENT. OF COURSE, IF YOU HAVE ANY QUESTIONS ABOUT ANY GIVEN MATTER, DO NOT HESITATE TO CONTACT THE PLANNING DEPARTMENT IN THE CITY HALL ANNEX, 4403 DEVILS GLEN ROAD, BETTENDORF, IOWA (344-4100).

**MEETING NOTICE
BOARD OF ADJUSTMENT
SEPTEMBER 13, 2012
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2nd Floor, 1609 State Street

1. Roll Call: Falk _____, Gallagher _____, Johnson _____, Spranger _____, Voelliger _____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of August 9, 2012.
4. The Board to hold a public hearing on the following items:
 - a. Case 12-052; 2211 Grant Street (C-2) - A request for a variance to reduce the required setback for an on-premises identification sign from 15 feet to 3 feet, submitted by David Howard.

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
AUGUST 9, 2012
5:00 P.M.**

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

Voelliger welcomed Mary Spranger as the newest member of the Board of Adjustment.

Item 1. Roll Call

PRESENT: Falk, Johnson, Spranger, Voelliger
ABSENT: Gallagher
STAFF: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of July 8, 2012.

On motion by Falk, seconded by Johnson, that the minutes of the meeting of July 8, 2012 be approved as submitted.

ALL AYES

Motion carried.

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

- b. Case 12-046; 6313 Dorothy's Drive (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by James and Laurie Rohner.

Voelliger 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.

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

James Rohner, the applicant, indicated that he would like permission to place a fence in the required front yard in order to retain as much usable yard as possible. He indicated that it would pose no vision difficulties for traffic or pedestrians.

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

On motion by Johnson, seconded by Falk, 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.

- c. Case 12-047; 6305 International Drive (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Brian Mosbaugh.

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

Brian Mosbaugh, the applicant, explained that the proposed fence would line up with his neighbor's existing fence.

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

On motion by Falk, seconded by Spranger, 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 #6 to these minutes.

- d. Case 12-048; 2339 - 53rd Avenue (C-2) - A request for a variance to reduce the required sign setback from 15 feet to 7 ½ feet and from 15 feet to 13 feet for two on-premises identification signs, submitted by Ascentra Credit Union.

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

Josh Schoenemann, representing the applicant, concurred with staff's assertion that the preferred placement for the sign would be on the corner of 53rd Avenue and 18th Street. He indicated that because of the required landscaping elements, the proposed sign locations were chosen. He stated that because of the high traffic volume in the area, it is important to clearly identify the access points to the credit union.

Soenksen commented that plat requirements stipulate that the access on 53rd Avenue be shared with the adjacent parcel and that no access is to be allowed from 18th Street. He added that these plat requirements have further restricted the allowable placement of the signs and are the reason that applicant wishes the signs to be placed as close as possible to the entrances.

Voelliger asked if the sign would have a low profile. Schoenemann confirmed this.

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

On motion by Falk, seconded by Spranger, that a variance to reduce the required sign setback from 15 feet to 7 ½ and from 15 feet to 13 feet for two on-premises identification signs be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

- a. Case 12-041; 1460 Isle Parkway (C-7) - A request for modification of an existing special use permit to allow auctions, submitted by U.S. Auctioneers. (Deferred from meeting of July 12, 2012)

Voelliger 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 #9 to these minutes.

Voelliger asked if there was anyone present wishing to speak in favor of or in opposition to the request.

Dick Phelps, the applicant, stated that the auctions draw approximately 1400-1500 people per sale who stay in the area and patronize local businesses. He indicated that a portion of his business involves customers who ask US Auctioneers to sell vehicles and equipment that do not fall into the categories specified in the original decision and order. He stated that these items have been included in the auction for approximately 20 years, adding that they amount to about 14% of the total number of vehicles.

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

Greg Gackle, 1116 Coffelt Avenue, stated that the site was originally zoned C-7 with the intention that it be used for recreational purposes and services related to the tourism business. He indicated that when the original special use permit was granted no one anticipated that it would still be in operation 20 years later. Gackle stated that items were on the site before the most recent sale for nearly 30 days, not the 8 days that are allowed. He indicated that the applicant has continued to expand the sale by offering items for sale that are not allowed and by the length of time the vehicles are on the site. Gackle stated that far more cars and other equipment are being sold than in the past.

Gackle reminded the Board that he had approached them several months ago requesting that the special use permit be revoked because of the longstanding and repeated violations of the original special use permit. He asked what is meant by the term 'related to semi-tractors and trailers, commercial and industrial vehicles' as shown on the staff report. He questioned whether this would include end loaders, bulldozers, and luxury cars and boats. Connors explained that it would include all those items except passenger vehicles.

Gackle asked if the 10 days that the applicant is allowed to use the site to prepare for and remove items that are not sold includes the weekends. Connors confirmed this.

Gackle asked what would occur if the Board approves the modified request but the applicant continues to violate the conditions of the decision and order. Connors stated that a municipal citation would be issued. Gackle reiterated his opposition to the proposed request, especially because of the geographical location of the site at the city's entrance.

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

Johnson asked if the applicant could address the infractions with regard to the number of days that vehicles and equipment are allowed to be on the site. Phelps explained that while he does his best to ensure that there are no violations, in the past customers have dropped off equipment on the site without his knowledge. He indicated that he now checks the lot three times per day after the auction brochure is mailed. He stated that he has been late removing the vehicles only three times in the past 20 years. Phelps indicated that his staff keeps the site clean and free from debris that other citizens have left.

Voelliger commented that he attended the most recent sale and that it appeared to be well-run and maintained. He expressed support for the proposed modification.

Gackle stated that as a resident who frequently uses the recreational trail, he is aware of many times in the past two years when equipment has been deposited on the site far in advance of the sale. He indicated that there were 26 days in the last month before the most recent sale when several items were on the site. Gackle indicated that this is a longstanding, continuing problem. He reiterated his opposition to the further expansion of the special use.

On motion by Johnson, seconded by Falk, to approve the modification of an existing special use permit to allow auctions in accordance with the Decision and Order and subject to the limitation of miscellaneous items to 15 percent of total items for sale at each auction and the applicant's strict adherence to the approved timetable regulating the date on which sale items are allowed to be brought to the auction site and the deadline for their removal.

ALL AYES

Motion carried.

Decision and Order is Annex #10 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:45 p.m.

These minutes and annexes approved

John Soenksen
City Planner



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

September 13, 2012

Staff Report

Case No. 12-052

Location: 2211 Grant Street

Applicant: David Howard

Zoning Designation: C-2, Community Shopping District

Request: Variance to reduce the setback for an on-premises identification sign from 15 feet to 3 feet.

Background Information and Facts

The site is located at 2211 Grant Street (see Attachment A – Location Map). The applicant is having difficulty locating a site for an on-premises identification sign at the proper 15 foot setback and is asking for a variance to allow the sign to be located 3 feet from the front property line.

Staff Analysis

If allowed, the sign would be located on the grassy area adjacent to the east driveway entrance (see Attachment B – Plot Plan). The proposed location for the sign would be 16 feet from the nearest paved portion of Grant Street and would be located as shown in Attachment C – Sign Illustration Photo.

One of the main intents of the setback requirement is to ensure proper line of sight for vehicles entering and exiting public streets. Grant Street is a one-way with westerly-moving traffic. Staff evaluated the line of sight as it relates to vehicles traveling on Grant Street and exiting the private driveways on the west side of the property. Motorists traveling on Grant Street would still have a clear view of any vehicles exiting the driveways on the south side of the street (see Attachment D – Visibility Illustration). The line of sight for motorists entering Grant Street from the private drives west of the sign would not be affected by the proposed sign placement (see Attachment E – Additional Visibility Illustration). Staff does not object to the proposed sign placement from a traffic safety standpoint.

The required 15-foot setback for this sign is illustrated on Attachment F by a red line. If the sign is placed behind the required setback, it will not be visible to passing motorists. The applicant feels that a sign that is not visible cannot serve its intended function and therefore the strict application of the ordinance poses a hardship for a monument sign placement on the lot.

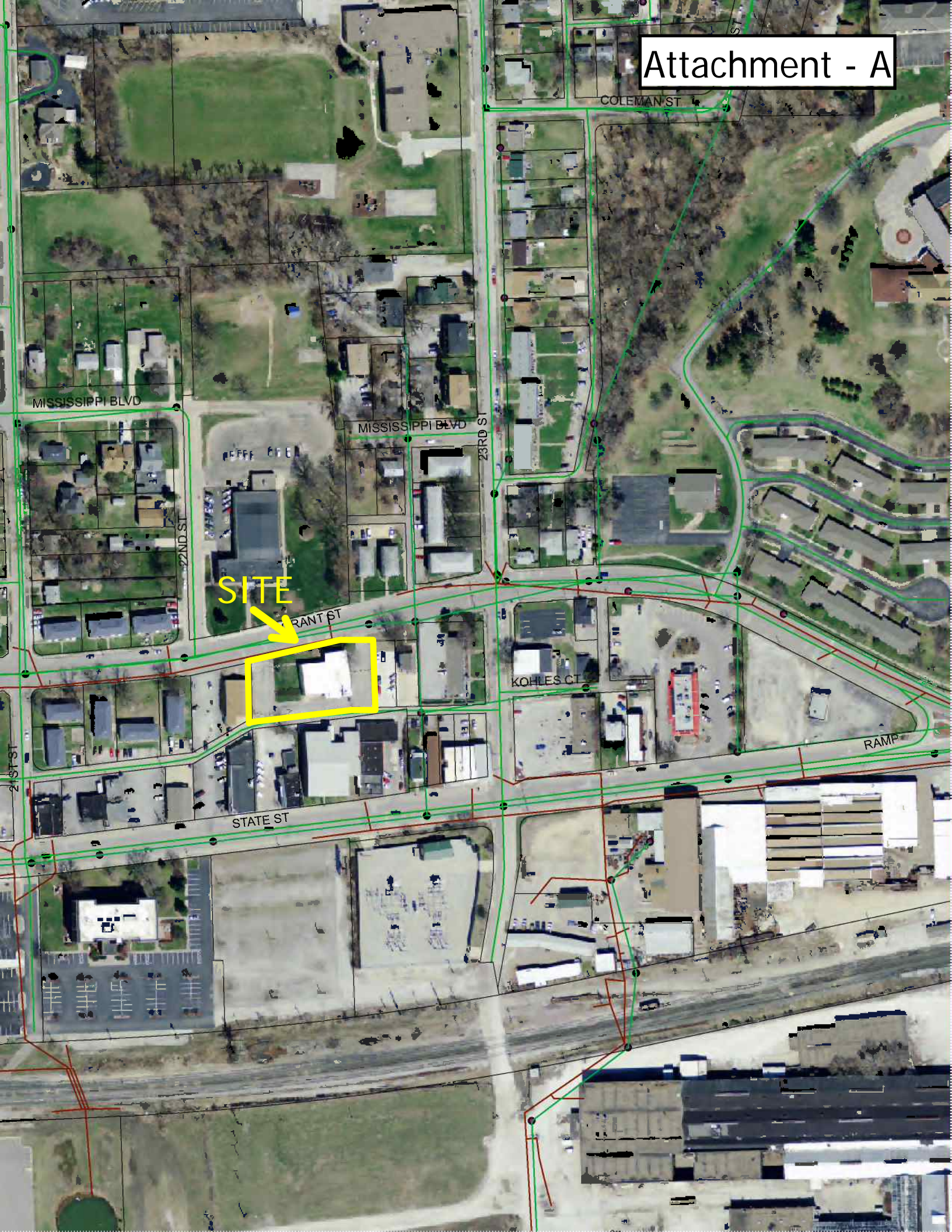
Staff Recommendation

There are many sites in the original downtown area where adequate space for the placement of freestanding signs that will be visible to the traveling public is not available. In those individual cases, there exists a legitimate hardship and the Board has approved variances for those businesses in the past. Staff accepts that the applicant has demonstrated a hardship related to the placement of a freestanding sign at this location and feels that the request will not pose a traffic hazard.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE



MISSISSIPPI BLVD

MISSISSIPPI BLVD

COLEMAN ST

22ND ST

23RD ST

GRANT ST

KOHLES CT

RAMP

STATE ST

21ST ST

Grant Street

SIGN













Case No. 12-052

APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF BETTENDORF, IOWA

Part 1. Property Involved.

Street Address 2211 Grant Street

Legal Description of the property. _____

Part 2. Contact Information.

Applicant Name David Howard Phone 319-210-8545

Address 1225 E River Dr. Davenport IA FAX _____

E-mail Address: howarddavid81@yahoo.com

Owner Name Gail Edwards Phone 563-355-7463

Address 424 E 6th St. Milan IL 61264 FAX _____

E-mail Address: _____

Agent _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

Part 3. Type of Application. (check at least one)

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:

- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
- (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
- (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
- (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
- (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
- (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a

