

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
NOVEMBER 10, 2022
5:00 P.M.

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

Item 1. Roll Call

PRESENT: Gallagher, Tansey, Tombergs, Vermillion

ABSENT: Spranger

STAFF: Beswick, Fuhrman, Hunt

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of September 8, 2022.

On motion by Tombergs, seconded by Vermillion, that the minutes of the meeting of September 8, 2022 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 22-077; 1591 Grant Street (C-2) – Special use permit to allow an outdoor service area with alcohol, submitted by ELD Holdings, LLC/Michael Dewitte.

Beswick reviewed the staff report. Staff report is Annex #2 to these minutes.

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

On motion by Tombergs, seconded by Vermillion, that a special use permit to allow an outdoor service area with alcohol be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #3 to these minutes.

- b. Case 22-079; 1820 Bellevue Avenue (R-2) – Variance to reduce the required front yard setback from 25 feet to 17 feet to allow for construction of an 8-foot by 16-foot deck, submitted by Savio Aguilar.

Beswick reviewed the staff report. Staff report is Annex #4 to these minutes.

Gallagher commented that staff's recommendation is to allow the deck to come out 4 feet from the house and for stairs to ground level. Beswick stated that he is unsure how much further into the required setback the stairs would encroach.

Tansey asked if staff had discussed the recommendation with the applicant. Beswick confirmed this, adding that the applicant had indicated that he would like the deck to be similar in appearance to those in the neighborhood and that a 4-foot deck would not accommodate his height or allow room for lounge chairs.

A brief discussion was held regarding the possibility of the applicant's building a larger concrete stoop or a patio rather than a deck.

Vermillion asked if a building permit would be required. Beswick confirmed this.

Beswick reviewed staff's recommendation. Hunt reiterated that the stairs would be ancillary to the deck and would be allowed.

Romero Aguilar, 1820 Bellevue Avenue, stated that he believes the larger deck will add character and value to the house. He commented that he has a large family who visits often. He added that his neighbor has a deck with a roof over it.

Gallagher commented that the house that the applicant referenced is set further back from the street.

Tombergs asked if the applicant would consider amending his request so that the encroachment is 5 feet rather than 8. Aguilar stated that according to his measurements, there would still be 17 feet to the street if the 8-foot deep deck were built. Beswick explained that the curb is not the property line and that the house is set back 25 feet from the lot line. He commented that staff would not be opposed to a 5-foot deep deck.

Vermillion asked if the applicant plans to built a roof over the deck. Aguilar commented that the deck would be built to support a roof but that he would not be constructing one at this time. He stated that building anything other than the proposed 8-foot deep deck would be a waste of time and money.

Vermillion asked if the deck would extend the length of the house. Aguilar stated that it would not as there is an electric meter on the front of the house that he would not interfere with, adding that it would cover approximately 70-80 percent of the house. He stated that in the future he plans to move the front door to the center of the house.

Tombergs asked if the applicant is willing to compromise at all. Tansey stated that while he understands that a 4-foot deep deck is not particularly useful, the decisions the Board makes must be defensible. He commented that he would be willing to support a 6-foot deep deck.

Aguilar asked if he would be allowed to build the deck as wide as he wishes. Tansey confirmed this, adding that side yard setbacks would have to be observed.

Tansey reiterated that allowing an 8-foot deep deck would set a negative precedent that would possibly encourage other residents throughout the city to make similar requests that cannot be justified. Aguilar asked if the Board would approve the 6-foot depth. Tansey commented that he could support the 6-foot depth but not the original 8-foot request.

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

On motion by Tansey, seconded by Spranger, that a variance to reduce the required front yard setback from 25 feet to 19 feet be approved in accordance with the Decision and Order and that the stairs leading to the deck will be allowed to encroach further than 6 feet into the required front yard setback.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

- c. Case 22-080; 2211 Grant Street (C-1) – Special use permit to allow a bar with in a C-1 district, submitted by Ben Earwood. (Deferred to meeting of December 8, 2022)
- d. Case 22-081; 2211 Grant Street (C-1) – Special use permit to allow an outdoor service area with alcohol, submitted by Ben Earwood. (Deferred to meeting of December 8, 2022)

Beswick stated that the city’s new Community Engagement Manager, Angie Sharp, has developed a new button on the city’s website called BE in the KNOW so that citizens who register can be notified about upcoming Commission, Board of Adjustment, and City Council meetings and any updates to those pages. He commented that Alert Iowa is a way to get notified of city events and weather alerts.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 6:00 p.m.

These minutes and annexes approved _____

Taylor Beswick, City Planner