

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**  
**MARCH 14, 2024**  
**5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Gallagher, Spranger, Tansey, Tombergs, Vermillion

ABSENT: None

STAFF: Beck, Beswick, Fuhrman, Hunt

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of February 15, 2024.

On motion by Spranger, seconded by Tombergs, that the minutes of the meeting of February 15, 2024 be approved as submitted.

ALL AYES

Motion carried.

Item 4. Election of officers.

On motion by Tombergs, seconded by Spranger, that Gallagher remain in his position as Chair for 2024.

ALL AYES

Motion carried.

On motion by Gallagher, seconded by Spranger, that Tombergs remain in her position as Chair Pro Tem for 2024.

ALL AYES

Motion carried.

Item 5. The Board to hold a public hearing on the following items:

- a. **Case 24-014; 6021 Valley Drive (I-2)** – Variance to reduce the required landscape buffer yard from 30 feet to 25 feet, submitted by Greg Franich. (Staff: Beck)

Beck reviewed the staff report.

On motion by Spranger, seconded by Tansey, that a variance to reduce the required landscape buffer yard from 30 feet to 25 feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #2 to these minutes.

- b. **Case 24-016; 3011 Devils Glen Road (C-2)** – Variance to increase the allowable area of an on-premises identification sign from 107 square feet to 177 square feet, submitted by Nicole Richards for Ace Sign Displays. (Staff: Beck)

Beck reviewed the staff report.

On motion by Vermillion, seconded by Spranger, that a variance to increase the allowable area of an on-premises identification sign from 107 square feet to 177 square feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #3 to these minutes.

- c. **Case 24-015; 5221 Competition Drive (C-3)** – Variance to increase the allowable height of an on-premises identification sign from 20 feet to 30 feet, submitted by Acme Sign Co., Inc. (Staff: Beswick)

Beswick reviewed the staff report.

Vermillion asked if the Kwik Star sign is visible from the interstate exit. Beswick stated that there is a grade change at that location, adding that it is over 1000 feet from interstate. He added that staff's analysis was based on conditions as they exist and reviewed the existing and proposed structures in the area.

Tombergs asked why the allowable sign height was changed from 30 feet to 20 feet. Beswick explained that he believes that the City Council at the time wished to try to protect adjacent property from light, obstructions, and reduced property values. He added that approving the variance request with no hardship having been established could set a negative precedent and that he does not believe that increasing the sign height would improve the visibility of the sign in any significant way. Hunt stated that while staff could not find a definitive explanation for why the allowable sign height was reduced, it was a deliberate change by the City Council. He added that the applicant has not established a hardship. Hunt explained that staff had encouraged the applicant to request a text amendment to increase the allowable height to 30 feet.

Austin Smith, owner-operator of McDonald's, stated that the larger the sign is, the better it is for his business. He added that he is at a competitive disadvantage because his director competitor Kwik Star has a 30-foot high sign. Smith stated that he believes the sign would not be very visible given the new construction going on in the area.

Craig Jarvis, the applicant, stated that very little of the signage will be lighted.

Spranger commented that she would not be supportive of the variance request as there appears to be a path forward for the applicant with no variance being required. Hunt confirmed this, reiterating that Code requires that a hardship must be established that is not self-imposed by the applicant. He explained that such things as difficult topography or required drainage areas where an applicant wishes to

place a sign would establish a legitimate hardship. He reiterated that the applicant could request a text amendment which would be a more appropriate way to address the issue. He stated that visibility of a sign is not a hardship. Tansey commented that he would not be comfortable setting that precedent. Gallagher stated that perhaps the ordinance could be changed such that sign height could be increased for similar commercial areas.

Smith asked how long the process for a text amendment would take. Hunt stated that it could take several weeks. Smith commented that he does not have that much time before he is required to install the sign.

On motion by Spranger, seconded by Tansey, that a variance to increase the allowable height of an on-premises identification sign from 20 feet to 30 feet be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- d. **Case 24-017 3636 Tanglewood Road (C-1)** – Special use permit to allow a miniature golf course (Commercial Recreation-Controlled Impact), submitted by Craig Wagner. (Staff: Beswick)

Beswick reviewed the staff report.

Gallagher expressed support for the project with the caveat that the current number of parking spaces remains available for the site. Hunt commented that one of the conditions of staff's recommendation for approval is submittal of the shared parking agreement with the YMCA and the continued availability of the required number of parking spaces for the overall site.

On motion by Spranger, seconded by Tombergs, that a special use permit to allow a miniature golf course (Commercial Recreation-Controlled Impact) be approved in accordance with the Decision and Order and subject to the submittal of a shared parking agreement with the YMCA.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

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