

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 10, 2024
5:00 P.M.

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

Item 1. Roll Call

PRESENT: Spranger, Tombergs, Vermillion

ABSENT: Gallagher, Tansey

STAFF: Beck, Hunt

Item 2. Review of Board procedures.

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

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

ALL AYES

Motion carried.

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

- a. **Case 24-053; 2460 State Street (C-3)** – Special Use Permit to allow an outdoor service area with alcohol, submitted by Judith Mariscal. (Staff: Beck) (Deferred from meeting of August 15, 2024.)

Tombergs asked if there is an affidavit of publication for all of the cases on the agenda. Hunt confirmed this.

Beck reviewed the staff report. Hunt added that the condition referred to in the staff report has been met and the business has been opened.

There being no one present wishing to speak In favor of or In objection to the request, Tombergs closed the public hearing.

On motion by Spranger, 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 #2 to these minutes.

- b. **Case 24-061; 4614 – 34th Street (R-2)** – Variance to allow a 6-foot high fence in a required front yard, submitted by Ahmed Osman. (Staff: Beck)

Beck reviewed the staff report. Hunt added that the Code was updated in 2022 to allow a 6-foot high fence to be placed 12 feet from the property line on through lots if one evergreen tree is planted every 25 feet outside of the fence line or 15 feet from the property line if not. He added that during the upcoming ordinance update, staff plans to recommend that that code section be applied to corner lots as well.

Spranger asked if the partially-built fence is on the property line. Hunt confirmed this.

Vermillion asked if the fence interferes with the vision triangle. Hunt stated that it does not.

A brief discussion was held regarding the reason why a 4-foot high fence would be allowed but a 6-foot high fence is not. Hunt stated that most communities do not wish to create a tunnel-like effect with 6-foot high fences along the city's rights of way.

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

James Menees, the applicant's contractor, explained that the fence would be placed far enough back from the street so it would not cause a visual obstruction. He commented that the applicant wishes to have a higher fence because of the large volume of traffic in the area and the desire to have more privacy.

Tombergs asked if it would be feasible to move the fence given the presence of a large tree in the yard. Hunt stated that the tree would have to be removed or the fence installed around it. He reminded the Board that a very similar case that was presented at the last meeting was denied.

Vermillion asked if Menees had originally agreed to install a 4-foot high fence given that part of it is already built. Menees stated that the section in question has not been installed yet. Tombergs asked if the fencing that is already built would have to be moved and replaced with 6-foot high fencing if the request is approved. Menees explained that the posts are 6 feet tall but that no 6-foot high fencing is in yet. Spranger commented that if the applicant chooses to accept staff's recommendation the posts would have to be moved.

Tombergs asked if the applicant was aware of the setback requirements when they requested the change to a 6-foot high fence. Menees explained that the applicant had contracted for a 6-foot high fence but that he had begun the work before the building permit was approved and had been unaware of the restriction on the height in the required setback. He stated that once he became aware of the limitation, he completed the sections that are allowed by code to be 6 feet high.

A brief discussion was held regarding possible methods of installing the fence without requiring the removal of the tree.

Tombergs asked if contractors are allowed to begin projects without first obtaining a building permit. Hunt stated that they are not.

There being no one else present wishing to speak In favor of or In objection to the request, Tombergs closed the public hearing.

On motion by Vermillion, seconded by Spranger, that a variance allow a 6-foot high fence in a required front yard be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #3 to these minutes.

- c. **Case 24-062; 2846 Villa Court (R-5)** – Variance to reduce the required rear yard setback from 25 feet to 21 feet to allow construction of a deck, submitted by Pfitz’s Fence & Deck. (Staff: Beck)

Beck reviewed the staff report.

There being no one else present wishing to speak In favor of or In objection to the request, Tombergs closed the public hearing.

On motion by Spranger, seconded by Vermillion, that a variance to reduce the required rear yard setback from 25 feet to 21 feet to allow construction of a deck be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:30 p.m.