

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
OCTOBER 13, 2011
5:00 P.M.**

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

1. Roll Call: Falk _____, Howe _____, Johnson _____, Stelk _____, Voelliger _____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meetings of September 8, 2011 and September 14, 2011.
4. The Board to hold a public hearing on the following items:
 - a. Case 11-062; 510 Mississippi Boulevard (R-1) - A request for a variance to reduce the required rear yard setback from 40 feet to 23 feet to allow for construction of a deck, submitted by Raymond Van Severen, Jr.
 - b. Case 11-063; 3006 Magnolia Drive (R-2) - A request for a variance to reduce the required side yard setback from 5 feet to 1 foot to allow for construction of a carport, submitted by Christopher Coachman.
 - c. Case 11-064; 6304 Ocean Boulevard (R-2) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Josh and Kristi Jacobs.
 - d. Case 11-065; 4306 State Street (C-3) - A request for a variance to reduce the required side yard setback from 10 feet to 5 feet to allow for construction of a building for an auto repair business, submitted by Greg Poley.
 - e. Case 11-066; 3243 Bear Tooth Court (I-2) - An appeal of the zoning administrator's decision to prohibit a fitness center in an I-2 General Industrial district, submitted by Dennis and Teresa Achenbaugh.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND OTHER APPLICABLE FEDERAL AND STATE LAWS, ALL PUBLIC HEARINGS AND MEETINGS HELD OR SPONSORED BY THE CITY OF BETTENDORF, IOWA, WILL BE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. PERSONS REQUIRING AUXILIARY AIDS AND SERVICES SHOULD CONTACT BETTENDORF CITY HALL AT (563) 344-4000 FIVE (5) DAYS PRIOR TO THE HEARING OR MEETING TO INFORM OF THEIR ANTICIPATED ATTENDANCE. TEXT TELEPHONE (TTY) IS AVAILABLE AT (563) 344-4175. IN ADDITION, PERSONS USING TEXT TELEPHONE HAVE THE OPTION OF CALLING VIA THE IOWA COMPASS VOICE/TTY BY DIALING (800) 735-2942.

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

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

Item 1. Roll Call

PRESENT: Falk, Howe, Stelk, 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 July 14, 2011.

On motion by Howe, seconded by Voelliger, that the minutes of the meeting of July 14, 2011 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 11-046; 3806 Rolling Hills Drive (R-2) - A request for a variance to allow a 6-foot high fence and a swimming pool in a required front yard, submitted by John Crump.

Stelk 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. He stated that he had received one letter in opposition to the request and one in support of it.

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

John Crump, the applicant, stated that there is not enough room behind his house for the pool which is 4 feet tall and has a 16-foot diameter. He indicated that it is an inexpensive pool which is taken down at the end of the season each year. Crump stated that he would like to move the pool to the front yard and build a deck around it, adding that he would like to build a 3-season room where the pool is located now at

some point in the future. He expressed concern about the effects of the Tanglefoot Lane construction that will take place in two years. He indicated that it is unlikely that the fence would begin at the front of the house. He stated that he has spent a considerable amount of money on the fencing that is already on the property.

Kelly Lyons, 3814 Rolling Hills Drive, stated that she has no objections to the request.

Charles Snyder, 1203 Pinehill Road, stated that applicants take good care of their home and expressed support for the request.

Michelle Crump, the applicant, stated that she and her husband have plans for the rear yard but are very limited by its size. She indicated that she wishes to have a fence in the front yard because she would like to start a family. She explained that she had been unaware of the plans for a bike path along Tanglefoot Lane until her husband applied for the variance and expressed concern about the increased pedestrian traffic.

Voelliger expressed concern about a 6-foot high fence being located so close to the sidewalk and asked for clarification about the required setback. Soenksen explained that the request is to place the fence on the property line which is typically located 1 foot behind the sidewalk.

Howe asked what would change when the bike path is installed during the Tanglefoot Lane construction and if the applicant would lose any additional right-of-way. Soenksen stated that there would be no changes to the applicant's property, adding that the path would be widened to 10 feet but that the extra width would be located south of the existing sidewalk.

Falk commented that the examples given in the staff report of properties for which variances had been granted for 6-foot high fences in front yards are decidedly different from the applicant's request. He added that none of them adjoin another neighbor's entry in the front yard. He asked if there is any precedent for allowing a 6-foot high fence and pool in a resident's practical front yard. Soenksen stated that he had been unable to find any examples of the Board approving a variance for a pool in a required front yard. He added that while the Board has granted variances for 6-foot high fences in front yards, the circumstances have typically been different. He indicated that he would be unable to state equivocally that a request similar to the applicant's has ever been granted. Falk reiterated that the examples given in the staff report were not relevant. Stelk concurred. Soenksen stated that none of the examples from the staff report were illustrations of 6-foot high fences on corner lots where the fence affects a neighbor's true front yard. Voelliger commented that none of the examples shown were of properties where a fence could impede the vision of a motorist exiting the driveway to a busy street.

Howe asked for clarification of the ordinance requirements with regard to pool size. Soenksen explained that a structure is considered to be a pool if it is 18 inches deep. He added that the only part of the ordinance that addresses pools is the rear yard section. Connors added that the ordinance requires a permit for pools with more than 18 inches of water.

Stelk asked for clarification regarding the fencing requirements for pools. Connors explained that the building code requires a 4-foot high fence with a lockable gate for a pool. Soenksen added that 4-foot high fences are allowed in the required front yard on corner lots.

Howe commented that while the configuration of the lot and the grade change from the adjacent lot pose a challenge for the applicants, they should have been aware of those constraints before the home was purchased. He stated that he is opposed to allowing 6-foot high fences in front yards on the property line as it has the appearance of a barrier and is not visually attractive to him. Howe expressed concern about the negative precedent that would be set if the fence request is granted. He indicated a willingness to allow a 6-foot high fence set back 10 feet from the property line. Voelliger stated that he would want the fence to be placed a minimum of 4-5 feet from the sidewalk.

Falk asked if staff had given any consideration to the impact of a 6-foot high fence on traffic safety. Soenksen explained that the ordinance prohibits any intrusion into the required 35-foot vision triangle, adding that the proposed fence would be compliant.

John Crump stated that a 6-foot high fence in a front yard on the property line was approved in July 2010 at 3493 Adele Lane and at 3498 Fieldsike Drive in April 2011. He commented that he had paid to have a Mediacom cable buried so as not to interfere with the pool. He indicated that there is a MidAmerican Energy overhead power line running to his home that restricts him from placing the pool further north on the property. Crump indicated that he would have been willing to move the pool closer to the garage, but that he had been informed that a pool must be a certain distance from the foundation.

Howe asked if there is room for the pool in the proposed location if the fence is placed 10 feet from the property line. Crump stated that there is a tree that would make the suggestion infeasible.

Voelliger asked if the applicant would be amenable to moving the fence 4-5 feet from the property line. Crump stated that he does not want to interfere with the fire hydrant on the property.

Howe asked for clarification of the distance of the house from the property line. Soenksen stated that he would approximate the distance as 25 feet. Crump stated that initially he had proposed to place the pool further to the west but that staff had explained that it would not allow for the required setback between the pool and the neighboring property line. He indicated that his intention is to place the fence approximately 2 feet from the property line along Tanglefoot Lane.

Howe asked if the existing fence section on the south side would remain in place. Crump stated that it would not, adding that the reason for the proposed variance is to enlarge his yard. He reiterated that he plans to build a small addition on the rear of the house and a deck around the pool. Howe asked if the applicant would have a permanent, year round pool if he installs a deck. Crump stated that the pool would still be temporary and be taken down every year. He indicated that in the future he may

decide he does not want to have a pool at all, but would still have the deck. He stated that he would like to attach the deck to the 3-season room addition that he may build in the future.

Howe stated that he is opposed to the request as proposed but would be willing to try to make a compromise such as installing the fence 10 feet from the property line. Crump stated that there are other 6-foot high fences in the city that are on the property line. Voelliger reiterated that the properties to which the applicant is referring do not have driveways adjacent to the fence which could pose a hazard to motorists backing up into a busy street such as Tanglefoot Lane.

Howe concurred with Falk's comment regarding the fact that there are no other examples of this type of proposed configuration on a corner lot. He expressed concern about the precedent that could be set by the Board's final decision.

Crump stated that in his opinion any objections of the adjacent neighbor to the west would have been expressed in a letter or by attending the public hearing. Voelliger commented that even if the current neighbor does not object, a future owner may.

Falk suggested that a site visit be scheduled in light of the many different alternatives that have been discussed with regard to the request. He indicated that a visit to the site would allow a clear demonstration of the proposed fence location in real terms.

Howe asked if the other Board members would accept a compromise involving placement of the fence at least 6 feet from the property line and allowing the pool to be located in the fenced area. Crump asked if the Board could compromise by allowing him to place the fence 4 feet from the sidewalk. He explained that he would like to landscape the area outside the fence but does not want to plant grass, adding that he would prefer to have a flower bed.

Stelk concurred with Falk regarding the necessity of visiting the site and discussing the many different configurations that have been suggested. Falk stated that he cannot vote in favor of such an ambiguous request about which there are many unknowns. He indicated that visiting the site will allow the Board members to see the precise location of the property line, the tree, the proposed pool and fence, and the fire hydrant in relation to the house. Stelk and Voelliger concurred.

Howe asked if the other Board members would be willing to approve the request at the public hearing meeting if the applicants were willing to place the fence 10 feet from the property line. Crump stated that he does not believe that the pool would fit if the fence placement is restricted to 10 feet from the property line. Voelliger suggested that perhaps staff could visit the site and make some measurements, investigate some alternatives, and defer the case until the next meeting.

Stelk explained that in the past it had been standard practice for the Board to have a site visit for all requests. He stated that he believes that this case warrants such a visit. Falk concurred.

Howe asked if there is any latitude in the ordinance which would allow the applicant to place the fence 10 feet from the property line and be code-compliant. Soenksen stated that this is not the case, adding that the Board has given exceptions in the past for properties with different configurations. He added that two of the variance requests for fences cited by the applicant along Devils Glen Road are actually placed between 10-15 feet from the property line. He indicated that in both of those cases additional landscaping and berming were utilized to minimize the intrusion. Falk reiterated that none of those cases were for corner lots but involved through lots and did not affect another neighbor's front yard or driveway.

Stelk stated that he would prefer to visit the site so that Board members have a more accurate indication of the exact proposed location of the fence and pool. Falk concurred. Voelliger commented that he is in favor of residents being allowed to utilize their property in the manner to which they see fit but is opposed to that use interfering with a neighbor's enjoyment of their property and possibly imposing a traffic and safety hazard.

On motion by Voelliger, seconded by Falk, that a variance to allow a 6-foot high fence and a swimming pool in a required front yard be deferred to a field visit meeting.

ALL AYES

Motion carried.

Soenksen stated that he would contact Board members during the next week to determine the date of the field visit.

- b. Case 11-047; 906 Tenplus Street (R-2) - A request for a variance to allow a swimming pool in a required front yard within 20 feet of the property line, submitted by Troy Broderick.

Stelk 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.

Stelk asked if the pool is aboveground or inground. Soenksen explained that the pool is an aboveground style but indicated that the applicant excavated the property so the majority of the pool appears to be at ground level.

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

Troy Broderick, the applicant, stated that when the house was originally constructed, Tenplus Street had not been built. He indicated that according to the US Postal Service, his address is actually 906 - 28 ½ Street. Broderick explained that for all practical purposes, his rear yard is adjacent to Tenplus Street. He indicated that Tenplus Street had not been extended until the two houses adjacent to his were built, adding that at

that time the designated front yard changed. Broderick stated that the pool grade is well below the 4-foot high privacy fence, adding that it would have no impact on the neighborhood.

Howe asked if the applicant had considered relocating the pool closer to the house. Broderick explained that a concrete pad for the pool has already been poured and indicated that he would like to build a deck from the patio to the pool.

Voelliger commented that Tenplus Street was at one time an alley, not an improved street.

Drew Irion, 815 - 28th Street, expressed support for the request.

Shirley Irion, 815 - 28th Street, stated that she is not opposed to the request. She indicated that residents who live on 28th Street and Tenplus Street actually use 28 ½ Street as their primary address. She explained that the pool will not affect anyone in a negative manner.

Falk asked for clarification regarding the required setback. Soenksen explained that because of the configuration of the neighborhood, the applicant is required to abide by the established setback rather than the traditional setback of 25 feet. He indicated that the entirety of the pool is in the required front yard, not just a part of it.

Falk asked if the property directly to the east will ever be used for any kind of new development. Soenksen explained that the lot is not buildable because it is part of a drainageway and there is a significant dropoff on the property.

Howe commented that he is supportive of the request because of the unique nature of the neighborhood, the topography of the area, and the fact that the rear yards have been determined by the residents in a nontraditional way.

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

On motion by Howe, seconded by Voelliger, that a variance to allow a swimming pool in a required front yard within 20 feet of the property line be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

- c. Case 11-048; 3832 Danbury Court (R-2) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Kaleb Evans.

Stelk 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 #6 to these minutes. He indicated that he had received a letter from Rodey Tharp of 3841 Greenbrier Drive who had expressed opposition to the request as he had been under the impression that the fence was to be in the applicant's true front yard. He explained that once he had clarified to Tharp that the fence was proposed to be installed along Tanglefoot Lane, he withdrew his opposition.

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

Jara Evans, the applicant, stated that she had spoken to most of her neighbors who had expressed no objection. She indicated that because of the proposed Tanglefoot Lane reconstruction and bike path installation she believes the fence is necessary for the safety of her children.

James Elder, 3845 Danbury Court, expressed support for the request. He indicated that the staff report illustration indicates that he has a 6-foot high fence along Tanglefoot Lane. He explained that it is actually a 4-foot high chain link fence with a 3-foot area between the fence and the sidewalk that is planted with bushes. Elder indicated that while the bushes are aesthetically-pleasing, they collect a lot of garbage. He stated that 3 sides of his yard are enclosed with a 6-foot high wooden fence and that he would also like to install a 6-foot high fence along Tanglefoot Lane in line with the proposed one.

Evans stated that she would like to line up the proposed fence with the one adjacent to her property and plant a mulch bed with flowers similar to the neighbor's.

Howe asked how far the neighbor's fence is from the sidewalk. Evans stated that it is approximately 2 feet from the sidewalk. She stated that her rear yard is not very deep, adding that if the fence is required to be placed 10 feet from the sidewalk the usable rear yard will be substantially reduced.

Voelliger asked how far Elder's chain link fence is from the sidewalk. Elder explained that it is just a few feet from the sidewalk.

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

Howe reiterated that he is not in favor of allowing 6-foot high fences along sidewalks as it creates a barrier-like look. He indicated that he would be supportive of a fence located 10 feet from the property line. Stelk concurred, adding that there are 3 or 4 houses in the area that are through lots. He stated that most of the other homes along Tanglefoot Lane face toward that street. Howe stated that the Board has remained consistent with the requirement for 6-foot high fences to be located 10 feet from the property line, adding that if there were extenuating circumstances perhaps an exception could be made.

Voelliger stated that if the proposed fence is set back 10 feet, it would not be in line with the existing fence to the west. He commented that because Elder wishes to replace his fence, it could be lined up 10 feet from the property line as well. He added that if the property owner to the west replaces the existing fence at some future time, it could be set back 10 feet as well.

Falk commented that part of a pleasing aesthetic appearance has to do with continuity, adding that the established fence line plays a factor in his support of the request as presented. He stated that he would not be in favor of the proposed fence in a different area where such a precedent has not already been set. Howe stated that he believes that approving the request as presented would establish a precedent for homeowners along the entire length of Tanglefoot Lane. Soenksen stated that the Board has been consistent with regard to approving requests for 6-foot high fences on through lots. He added that he does not believe that this has had an effect on the outcome of other fence requests for front yards that do not involve through lots. Stelk and Voelliger concurred with Falk's preference for continuity.

On motion by Voelliger, 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.

ROLL CALL ON MOTION

AYE: Falk, Stelk, Voelliger
NAY: Howe

Motion carried.

Decision and Order is Annex #7 to these minutes.

- d. Case 11-049; 1315 - 18th Street (R-2) - A request for a variance to reduce the required rear yard setback from 25 feet to 22 feet to allow for construction of a screened porch, submitted by Tom Wells.

Stelk 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 #8 to these minutes.

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

Voelliger asked if the adjacent neighbor had expressed any opinion with regard to the request. Tom Wells, the applicant, stated that he is not aware of any objections to the project. Soenksen stated that he not received any correspondence or phone calls concerning the case.

On motion by Howe, seconded by Voelliger, that a variance to reduce the required rear yard setback from 25 feet to 22 feet to allow for construction of a screened porch be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #9 to these minutes.

- e. Case 11-054; 6001 State Street (I-2) - A request for a special use permit to allow a concrete recycling facility, submitted by Teresa and Glen Perkins.

Stelk 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 #10 to these minutes.

Stelk asked if there are state regulations governing the proposed operation regarding noise and pollution. Bo Perkins, the applicant, confirmed this, adding that Tri-City Blacktop located near the proposed site conducts a very similar operation. He explained that Hawkeye Paving Corp. would bring the material to be recycled to the site to be processed, adding that later it would be used in other paving projects. He stated that Bettendorf allows this type of material to be used underneath streets as subbase. Perkins stated that a retaining wall would be built and landscaping installed to make the site more aesthetically-pleasing. He indicated that on the days the recycling equipment is operational it would typically run from 7:00 a.m. to 7:00 p.m. He added that the equipment could run from Monday through Saturday, but would not operate all of those days as the city restricts permission to work on road projects to certain days.

Howe asked how loud the proposed operation would be. Perkins explained that his business has been located adjacent to a similar operation and he has never been bothered by the noise. He reiterated that the equipment would not be operational every day, adding that the actual crushing would occur for 1-2 days each month at which time the machine would be relocated to another site. He indicated that there is not enough material to process to keep it running every day.

Howe asked if the city has received any noise complaints regarding the other business which conducts a similar activity. Connors stated that there have been no complaints.

Stelk asked if the machine would be enclosed inside a building. Perkins stated that it would be outside, adding that the machine is similar in size to an excavator and that the material is fed into it with an end loader. He stated that the material then exits the machine on a conveyor system and is placed into piles according to gradation size. Connors stated that when the buildings on State Street were demolished for the Waterfront Convention Center, the contractor operated a similar machine for

approximately two weeks in order to reduce the amount of waste that had to be hauled away from the site.

Voelliger commented that he believes that the proposed use will be an improvement as the applicant plans to make the site more aesthetically-pleasing. Stelk concurred.

Voelliger asked if the site extends to the Bee Line property. Soenksen stated that it does not.

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

On motion by Howe, seconded by Voelliger, that a special use permit to allow a concrete recycling facility be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #11 to these minutes.

- f. Case 11-055; 6175 Valley Drive (I-2) - A request for a special use permit to allow the residence of the proprietor on the premises of an industrial use, submitted by Kelly and Randy Beaston.

Stelk 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 #12 to these minutes.

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

Randy Beaston, the applicant, explained that he and his family currently reside on the property, adding that he would like to reconfigure the interior of the existing building and also construct an addition. He indicated that after the reconfiguration, the living quarters would be in a different location and would have larger room sizes. He added that the reception area would be located where the living quarters are currently.

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

On motion by Voelliger, seconded by Howe, that a special use permit to allow the residence of the proprietor on the premises of an industrial use be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #13 to these minutes.

- g. Case 11-056; 3593 Middle Road (A-1) - A request for a special use permit to allow a wireless communication facility including a transmission tower for cellular phone use, submitted by AT&T Mobility.

Stelk 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 #14 to these minutes. He stated that he had received a letter from Irvin Kaighin, 3644 Middle Road, who had requested that the tower be sited as far to the south on the site as possible and that it be fenced. He commented that it appears as though the proposed design will address Kaighin's concerns. Soenksen indicated that he does not know what type of fencing material will be used, adding that typically this type of tower is surrounded by chain link fence as it requires so little maintenance.

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

Steve Ward, consultant representing the applicant, reiterated that typically cell towers are surrounded by chain link fencing, adding that the code also requires a landscape screen. He added that while the current plan indicates a paved access road from the church, he plans to try to obtain an access easement through the former Eagle grocery store property which would eliminate the need for the paved driveway.

Howe asked how high the fence would be and if there would be barbed wire on top of it. Ward explained that the typical design calls for a 7-foot high fence with barbed wire, adding that if a city does not allow barbed wire an 8-foot high fence will be installed instead.

Howe asked for clarification regarding the city's requirement for fencing around cell towers. Connors explained that barbed wire fencing is allowed in an agricultural district. He added that a developer had challenged that determination with regard to another cell tower in the city that is adjacent to residences. He stated that the Board had determined that barbed wire fencing was not to be allowed in that case. Connors stated that according to the ordinance, barbed wire fencing is allowed in the A-1 district but that the precedent has been set by the Board that it should not be allowed in populated areas.

Howe asked if the applicant's intent had been to install a 7-foot high fence with barbed wire on top. Ward explained that full construction drawings are incomplete, adding that if no barbed wire is used he would prefer to install an 8-foot high fence which would provide extra security.

Howe asked if there is a ladder on a monopole tower. Ward explained that the tower ladder is approximately 13-15 feet from the ground with climbing pegs from that level to the ground.

Howe asked if the tower would be lit. Ward explained that the tower is 190 feet tall and would have a 6-foot lightning rod on top. He indicated that only when a tower reaches 200 feet in height does the FAA require that it be lit.

Soenksen stated that the applicant had submitted the required study demonstrating the service need for the tower, adding that the applicant will be required to allow other cellular service vendors to co-locate on the tower.

Ward explained that the staff report indicates that the compound size would be 25 feet by 25 feet. He indicated that the actual size of the leased area would be 60 feet by 60 feet which would allow additional users the space for their equipment. He indicated that the tentire area would not necessarily have to be fenced at this time.

Rich Bettis, trustee of First Baptist Church, expressed support for the request.

A brief discussion was held regarding what type of fencing material would be required. Stelk commented that he has heard of no problems with the 8-foot high fence that is adjacent to the residences in Belmont Meadows. Connors indicated that the Board had required that the barbed wire be removed from the top of that fence. He added that staff's preference would be for an 8-foot high fence with no barbed wire.

Howe expressed concern about the potential ease of accessibility to the tower. Connors commented that there is a city-owned tower located at the maintenance center at 4403 Devils Glen Road which has an almost identical setup to the one proposed. He indicated that there have been no incidents thus far even though one side of the enclosure borders Crow Creek Park.

Ward stated that he would likely work with the church with regard to the type of fencing that they prefer and would be willing to present those findings to the Board if necessary. He stated that section 18.10.5(f) of the code requires an opaque fence, adding that a chain link fence with slats could be used or a wooden fence. Stelk commented that the tower farm is surrounded by a chain link fence. Connors stated that typically a chain link fence is used and that sufficient landscaping is installed to create the required opacity. Bettis stated that the church would be satisfied with whatever type of material the staff and Board members agree upon.

Howe asked if any motion should be amended to include the discussion with regard to fencing material and height. Soenksen stated that those issues would be addressed as part of the site development plan approval.

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

On motion by Howe, seconded by Voelliger, that a special use permit to allow a wireless communication facility including a transmission tower for

cellular phone use be approved in accordance with the Decision and Order and subject to the condition that the tower be enclosed by an 8-foot high chain link fence.

ALL AYES

Motion carried.

Decision and Order is Annex #15 to these minutes.

- h. Case 11-057; SE 4.6 acres of the Interstate 74 Technology Park (C-6) - A request for a variance to allow parking in a required front yard setback and for a variance to reduce the required rear yard setback from 50 feet to 40 feet, submitted by Alan Frankel.

Stelk 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 #16 to these minutes.

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

Alan Frankel, the applicant, stated that LEDs America wishes to relocate a portion of their business from China to Bettendorf. He indicated that when the development is complete, the structures would be approximately 60,000 square feet in size and would house the corporate headquarters, an assembly and shipping area, and a research and development facility. He explained that the development is being phased to allow the project to begin more quickly. Frankel stated that the business would create 140-160 jobs with a \$6 million payroll and that the development would create \$7.5-\$10 million in taxable real estate value. He indicated that the development is deliberately compact to maximize efficiencies.

Howe asked how tall the building would be. Frankel stated that it would be approximately 17-18 feet high.

Voelliger asked for clarification regarding the location of the loading dock for product shipment. Frankel explained that eventually it will be located to the south, adding that initially there will be no loading dock as the business is mostly assembly of parts. Voelliger stated that eventually a shipping point will be required and asked if it would be located such that it does not negatively affect the businesses which will be located in the previously approved development adjacent to Tanglefoot Lane. Frankel explained that most of the company's shipping is done by UPS. He indicated that the company has experienced difficulties related to shipping materials from China which has prompted the relocation of the business to the United States. He added that there is an adequate turning radius available for the semi-trailer trucks that will sometimes deliver material to the site. Connors added that the fire marshal has indicated that there is adequate space for delivery operations. Voelliger asked if this would still be the case when the site is fully developed. Frankel explained that at the point, truck traffic would

use the extended Golden Valley Drive and exit to 40th Avenue and so would not affect the businesses to the south. He added that if necessary in the future, the company's headquarters could be relocated to the west side of Golden Valley Drive and that space could be used for assembly.

Falk asked if this is a speculative site or if a letter of intent has been received indicating that the business has chosen this particular site. Frankel explained that the site has been chosen, adding that the tentative closing date is October 13.

Falk asked if there is any objection to basing the approval of the variance requests on the specific layout of the project that was presented. Frankel agreed, but expressed concern about the effect of the restriction on a future owner if the property is sold at some point. Connors stated that if the configuration changes in the future for some reason, another business owner would have adequate space to site the building and parking areas which would not require any variances from the code. He added that because variances from the code apply to property in perpetuity, it could be tantamount to a rezoning if the use or configuration is substantially changed for some reason.

Howe stated that he would be in favor of conditioning approval of the variances based on the submitted layout of the development. He commented that if the first building was built at a 17-foot height and for some reason the remainder of the development did not proceed as planned, a future owner might want to build a multi-story building and would not be required to adhere to ordinance requirements with regard to parking.

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

On motion by Howe, seconded by Voelliger, that a variance to allow parking in a required front yard setback and for a variance to reduce the required rear yard setback from 50 feet to 40 feet be approved in accordance with the Decision and Order and the condition that the variances are based on the submitted configuration of the development.

ALL AYES

Motion carried.

Decision and Order is Annex #17 to these minutes.

Crump asked if the Board would be willing to compromise by allowing the proposed fence to be located 6 feet from the sidewalk. He indicated that the proposed widening of the sidewalk may require that additional right-of-way be taken from his property. Connors stated that this is not the case.

Howe stated that he would be willing to make the suggested compromise and also allow the pool in the required front yard. Voelliger concurred.

Stelk asked if the Board should consider the request for the pool and the fence separately. Soenksen confirmed this, adding that there are two separate sections of the

ordinance involved. He indicated that because the case already been deferred, a motion must be made to reconsider the case and that both parties involved in the motion must agree.

A motion was made by Voelliger to reopen Case 11-046 for discussion. Motion failed for lack of a second.

Falk explained that he is unwilling to second the motion to reopen the case because there are too many ambiguities and unknowns related to the request.

Howe asked for clarification of Falk's objections. Falk explained that typically a variance request is much more precise. He indicated that in this case, there has been discussion during the public hearing in addition to discussions which took place between the applicant and his wife in private. He stated that he would prefer to visit the site so that the exact proposed location of the pool and fence can be definitively established.

Crump stated that his application states that his request is for a 6-foot fence on the property line adjacent to Tanglefoot Lane and for permission for a pool to be located in that setback area. He commented that placing the fence 6 feet from the sidewalk allows sufficient room for anyone exiting the driveway of the adjoining property. Falk stated that if the Board had decided against visiting the site, he would have voted to deny the request. He indicated that he had compromised by agreeing to visit the site, adding that the applicant's willingness to move the fence 6 feet back does not change his mind.

Connors stated that because of the lack of the second, the case must be deferred to a field visit meeting.

Howe stated that the Board had just agreed to allow a 6-foot high fence 1-foot from the property line for a previously-considered case. Falk stated that the two cases are very dissimilar, adding that in his opinion the continuity of the neighborhood involved with Case 11-048 is an important factor. He reiterated that the fence that was approved did not affect any other resident's front yard as the current request does. Stelk commented that in his opinion a swimming pool does not belong in a front yard, adding that he is willing to view the site and possibly compromise. Howe commented that in reality the proposed location of the pool is not in what would normally be considered a front yard. Falk stated that another reality is that the fence and pool would be located in the neighbor's only front yard. Crump stated that because the originally-scheduled meeting had not taken place in August, his neighbors have had more than adequate time to object to the request. Stelk stated that it is not only the neighbor's wishes that must be considered. Falk added that the impact on the entire community must be considered.

Howe asked if the deferral would cause any particular hardship for the applicant. Crump stated that he has already purchased the fencing and that he would like to begin work on it before the ground freezes.

Stelk commented that the situation is unique enough that a field visit would be advisable. Voelliger asked if a special meeting could be scheduled after the field visit in order to make a decision. Soenksen explained that typically the public hearing is continued to the field visit meeting at which a decision could be made.

Falk commented that he believes that the Board wishes to make a decision based on facts.

Howe asked if the Board would consider reconvening at the applicant's home immediately. Soenksen stated that there would be no ability to record the meeting properly, adding that he would contact Board members to determine a date for the field visit meeting.

Connors stated that a new Board members has been appointed by the Mayor to replace Kathy McElhiney who has resigned. He indicated that Bryce Johnson, and engineer with Missman, Inc. will be the Board's newest member and will be available for the October meeting.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 7:15 p.m.

These minutes and annexes approved

John Soenksen
City Planner

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
3806 ROLLING HILLS DRIVE
SEPTEMBER 14, 2011
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Howe, Stelk, Voelliger
ABSENT: None
STAFF: Connors, Fuhrman, Soenksen

Item 2. The Board to continue the public hearing on the following item:

- a. Case 11-046; 3806 Rolling Hills Drive (R-2) - A request for a variance to allow a 6-foot high fence and a swimming pool in a required front yard, submitted by John Crump. **(Deferred from meeting of September 8, 2011)**

Soenksen distributed a document detailing sections of the code that pertain to the request. He summarized the ordinance sections listed which state that a pool must be set back at least 10 feet from every property line and is not allowed in a front yard and that a pool is listed as a permitted use in the code only in a rear yard.

Stelk asked for clarification of the exact location where the applicant proposes to locate the pool and fence. John Crump, the applicant, stated that he has marked a line indicating where the fence would be located and a line indicating the 16-foot width of the pool to be located in the required front yard. He stated that the fence would continue up the hill which should lessen the impact of the pool on the neighbor. He reiterated that the pool is not permanent and that it is taken down at the end of each season.

Soenksen stated that according to the markings that the applicant has made, the fence would be located 4 feet from the edge of the sidewalk. He added that the property pins indicate that the actual property line is 21 inches from the edge of the sidewalk so the request would be for a 6-foot high fence located 2 feet from the property line. Crump stated that he does not wish to remove the existing tree. Stelk commented that the property is very aesthetically-pleasing, adding that he would prefer not to see it changed in any way.

Voelliger asked for clarification of where the edge of the pool would be located. A measurement indicated that the edge of the pool would be just a few feet from the southern portion of the fenced area. Voelliger suggested that the pool be placed 16

feet from the garage area. Soenksen explained the code requires that the pool be placed 8 feet from the foundation. Voelliger stated that that would place the edge of the pool only 7 feet from the property line. Falk commented that according to the ordinance, a pool must be placed at least 10 feet from every property line. He added that the only code requirement with regard to fences and pools that would be met is that it would be 8 feet from the foundation.

Crump stated that he has a hardship because of the way the house was placed on the lot. Stelk stated that that is a self-imposed hardship. Falk added that rather than the configuration of the lot's being a hardship, it is merely a characteristic. He indicated that the configuration does not prohibit the applicant from living in the house and enjoying the property even though it might not be in the manner that the applicant wishes.

Howe commented that before the site visit, he believed that the fence request should be considered before the pool request. He added that now he believes that the reverse should be true, indicating the decision that is reached with regard to the pool will dictate what decision is made about the fence.

Howe stated that after considering the topography of the lot, the effect of the proposed variances on the adjacent neighbor, and the number of code violations that would result from approval of the applicant's request he would not be able to support it as stated. He explained that he would not be in favor of allowing the proposed pool to encroach into the front yard at all. Howe added that he would be in favor of allowing the fence to be placed 10 feet from the property line. Soenksen commented that according to that measurement the existing tree would be just outside of the fenced area. Crump stated that there would still be room for the neighbor to back out of the driveway if the fence were placed closer to the property line and allowing the tree to be inside the fence line. Falk stated that this would require nearly a 13-foot variance. Crump stated that the Board had allowed a 6-foot high fence to be placed near the property line at the last meeting. Falk explained again that that case had involved a through lot, not a corner lot like the applicant's.

A discussion was held regarding the requirements for siting a pool in a yard. Soenksen explained that a pool must be 10 feet from all property lines, is not allowed in a front yard, and must be placed 8 feet from the foundation of the house. Crump stated that the pool's current location was approved by city staff, adding that it is not 8 feet from the house although it is 10 feet from the property line. Connors explained that the reason for the separation regulation is that in the past when foundations were constructed of concrete block the 8-foot distance could protect the foundation from a surcharge load from the pool. He added that more modern homes have poured concrete foundations and that the effect is minimized.

Howe suggested that the issue of the pool be addressed first. He reiterated that he would not be in favor of allowing the pool to be located in the front yard in light of the topography and configuration of the lot. Stelk and Falk concurred. Voelliger stated that he believes that the pool should be located partly in the rear and front yards. Howe commented that he does not believe that the neighbor should have to be negatively impacted by locating the pool in the front yard, especially as the home has two bay windows. The applicant requested permission to move the pool further north on the

lot. Connors stated that that location may not be feasible as there is a service drop for MidAmerican Energy overhead and it is unlikely that it would be allowed.

Falk suggested that the applicant apply for a variance to allow the pool to be placed closer than 10 feet from the side property line, but still in the practical rear yard. Stelk agreed. Soenksen explained that the applicant would have to reapply for consideration at a future meeting.

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

On motion by Howe, seconded by Falk, that the variance to allow a swimming pool in a required front yard be denied.

ALL AYES

Motion carried.

Decision and Order is Annex #2 to these minutes.

Howe commented that reapplying for an amended request would allow the applicant to ascertain from MidAmerican Energy where the pool could be placed and ensure that all building code regulations are met. Stelk commented that the surcharge load regulation likely has more to do with an inground pool rather than one like the applicant's.

Howe asked if the applicant would still be insistent on placing the fence near the property line in light of the fact that the pool will not be allowed in the front yard. Crump stated that he still wants the fence to be located 2 feet from the sidewalk and does not want to have to cut the tree down. He stated that he would be allowed to place a 4-foot high fence on the property line without a variance. He added that he wants to have a 6-foot high fence to protect his future children and to increase the size of the usable yard.

On motion by Howe, seconded by Voelliger, that an amended variance to allow a 6-foot high fence a minimum of 10 feet from the property line be approved in accordance with the Decision and Order.

Crump asked if the Board could approve a variance request to place the fence 10 feet from the sidewalk. Soenksen explained that if the members choose to do so, the fence could be placed on the property line.

ROLL CALL ON MOTION

AYE: Howe, Stelk, Voelliger
NAY: Falk

Motion carried.

Decision and Order is Annex #3 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:35 p.m.

These minutes and annexes approved

John Soenksen
City Planner



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4100

October 13, 2011

Staff Report

Case No. 11-062

Location: 510 Mississippi Boulevard

Applicant: Raymond Van Severen, Jr.

Zoning Designation: R-1, Single-family Residence District

Request: Variance to reduce the required rear yard setback from 40 feet to 23 feet to allow for construction of a deck.

Background Information and Facts

The site is located in the original area of the city on the north side of Mississippi Boulevard between Fourth and Sixth Streets (see Attachment A – Location Map). The applicant would like to replace a deck on the rear of the house with a larger structure that, if allowed, would be within 23 feet of the rear yard property line (see Attachment B – Plot Plan). The applicant indicates that the topography of the lot causes rainwater to pool in the rear yard often rendering it unusable.

Staff Analysis

The intent of the required rear yard setback is to insure proper separation between structures. In this case, the proposed deck would be approximately 135 feet away from the nearest structure to the rear (north) of the property so proper separation of the residential structures would still be maintained if the variance is granted. It should also be noted that the applicant's property is heavily landscaped near the rear property line which will substantially block the view of the deck from the adjacent property (see Attachment C – Landscape Illustration).

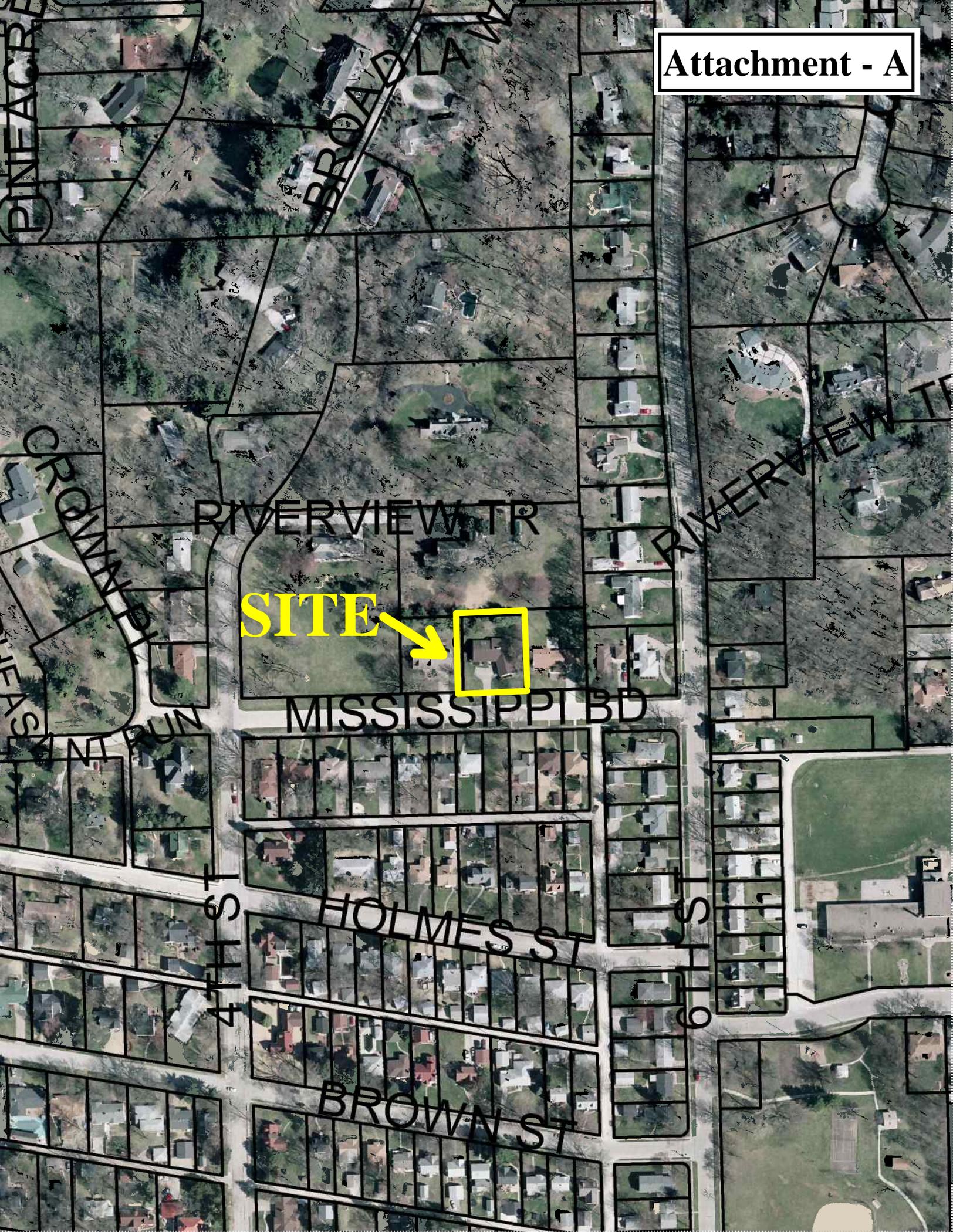
When the lots north of Mississippi Boulevard were originally platted, each had a 15-foot right-of-way adjacent to the rear which has since been abandoned. Today when right-of-way is abandoned, an equal amount is assigned to each adjacent lot. When abandoning a 15-foot right-of-way the city routinely would offer 7½ feet to each property owner. In this case, it appears that the entire 15 feet of right-of-way was added to only one lot north of Mississippi Boulevard (the lot to the east of the applicant's)(see Attachment D – Right-of-Way Illustration.) If half of the vacated right-of-way had been added to the applicant's lot the variance request would have been for 10 feet rather than 17 feet.

Staff Recommendation

While staff cannot cite a specific hardship other than the drainage and topography issue mentioned by the applicant, staff does feel that the separation intent of the ordinance would still be met if the variance is granted.

Respectfully submitted,

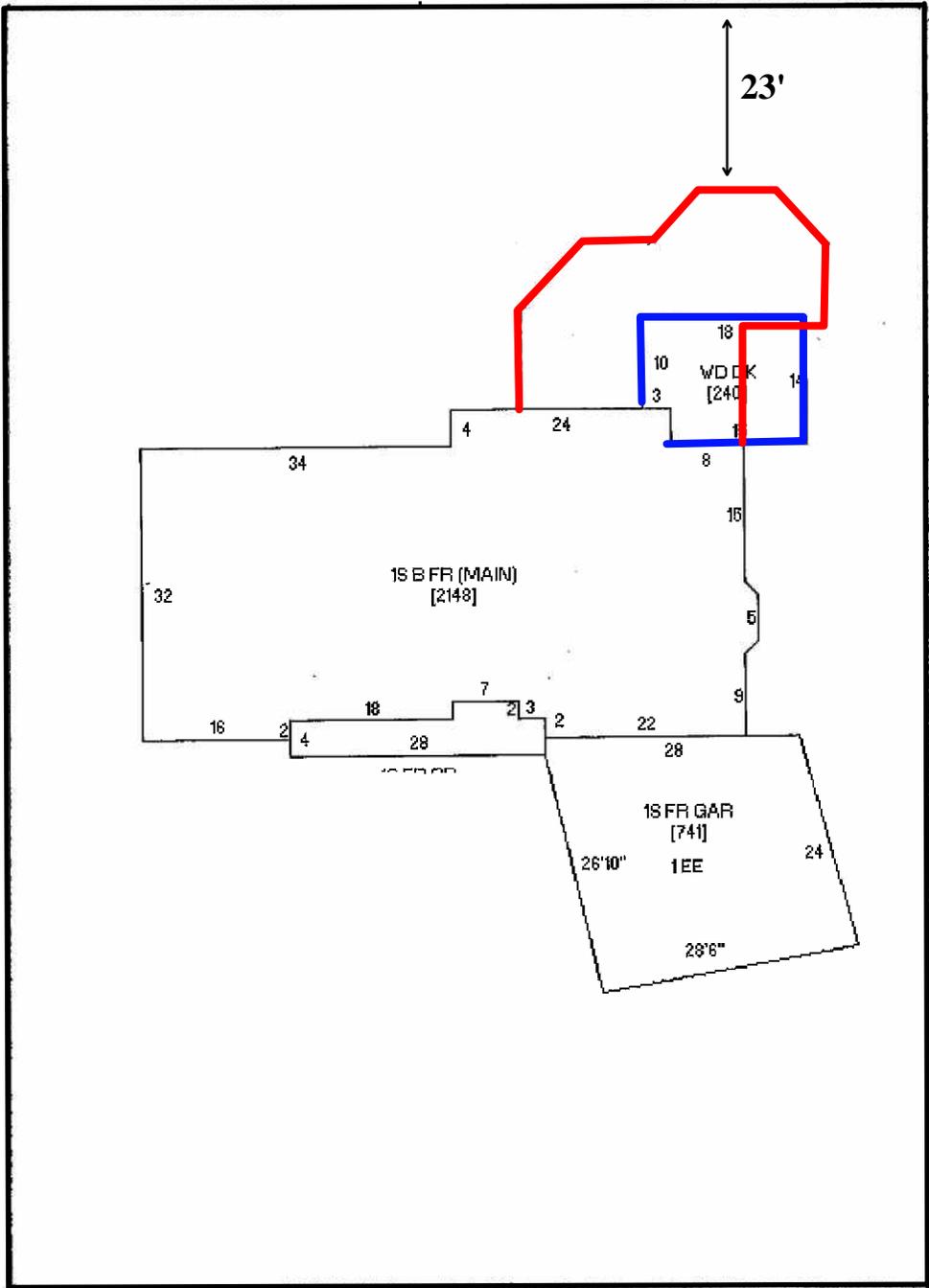
John Soenksen
City Planner



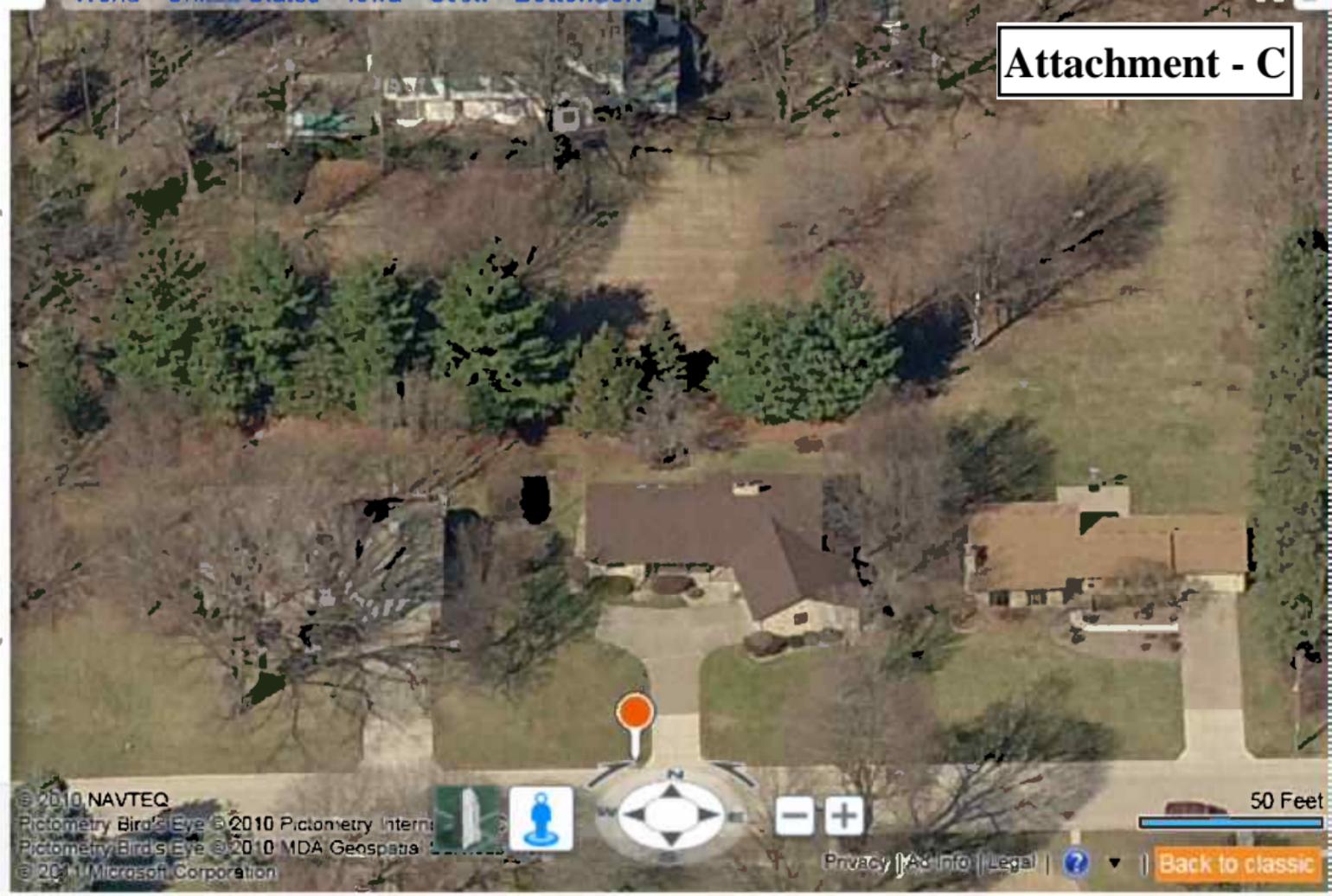
SITE



Attachment - B



Attachment - C



© 2010 NAVTEQ
Pictometry Bird's Eye © 2010 Pictometry Intern
Pictometry Bird's Eye © 2010 MDA Geospa
© 2011 Microsoft Corporation



50 Feet

A horizontal scale bar with a blue gradient, used to indicate the distance represented by the length of the bar.

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VIEW TR

ATTACHMENT D

15 feet

MISSISSIPPI



Case No. 11-062

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

Part 1. Property Involved.

Street Address 510 MISSISSIPPI BLVD
 Legal Description of the property. THE SOUTH 140.0 FEET OF THE EAST 32.72 FEET OF LOT 22, THE SOUTH 140.0 FEET OF LOT 23, AND THE SOUTH 140.0 FEET OF THE WEST 32.72 FT OF LOT 24 ALL IN BLOCK NO. 4 IN RIVERSIDE ADDITION TO THE CITY OF BETTENDORF, IOWA

Part 2. Contact Information.

Applicant Name RAYMOND A VAN SEUFREN JR Phone 563 332 5910
 Address 510 MISSISSIPPI BLVD BETTENDORF FAX NONE
 E-mail Address: NONE

Owner Name RAYMOND A VAN SEUFREN JR Phone 563 332 5910
 Address 510 MISSISSIPPI BLVD BETTENDORF 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 violation of this ordinance.
3. Other. _____
 (Attach a separate sheet and explain in detail.)



COMMUNITY DEVELOPMENT

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October 13, 2011

Staff Report

Case No. 11-063

Location: 3006 Magnolia Drive

Applicant: Christopher Coachman

Zoning Designation: R-2, Single-family Residence District

Request: Variance to reduce the required side yard setback from 5 feet to 1 foot to allow for construction of a carport.

Background Information and Facts

The site is located north of the intersection of Summit Hills Drive and Magnolia Drive (see Attachment A – Location Map). The applicant would like to build a 11-foot by 24-foot carport north of the existing garage within one foot of the north side yard line (see Attachment B – Plot Plan).

Staff Analysis

The proposed location of the carport is an existing paved parking space which is being used for off-street vehicle storage (see Attachment C - Site Photo). Therefore, from a vehicle storage perspective, the request will not intensify the current use on this site. Magnolia Drive routinely has more vehicles parked on the street than does most other residential areas within the city. The request will neither increase nor decrease the amount of vehicles stored on the city street. The request will simply provide weather protection for the vehicle(s) currently stored on the paved off-street parking space.

The applicant states that the request will not pose a fire hazard to the neighboring property due to the fact that the structure will be completely open on all sides and made of non-flammable (aluminum) materials. While acknowledging this fact, staff also acknowledges the fact that the side yard requirement intent also involves aesthetic reasons so structures do not look “out of place” by being placed too close the adjoining properties.

Routinely, when the Board approves side yard setback variances, a minimum of three feet on any side yard is required for such approval. Staff reviewed the last ten years of Board cases and found only one similar variance request approval for structures closer than three feet to a side yard:

1. A variance was granted for a side yard reduction from 5 feet to 2 feet at 416 – 26½ Street for a detached garage in an R-4 district.

Four other side yard variances for less than three feet were denied during the same time period, and the majority of side yard variance requests granted were for at least three feet.

Staff Recommendation

Staff cannot cite a hardship for this request.

Respectfully submitted,

John Soenksen
City Planner

**THE
LODGE**

**MOTHER
HUBBARD'S**

Attachment - A

U-HAUL

**OLD
CHICAGO**

SITE

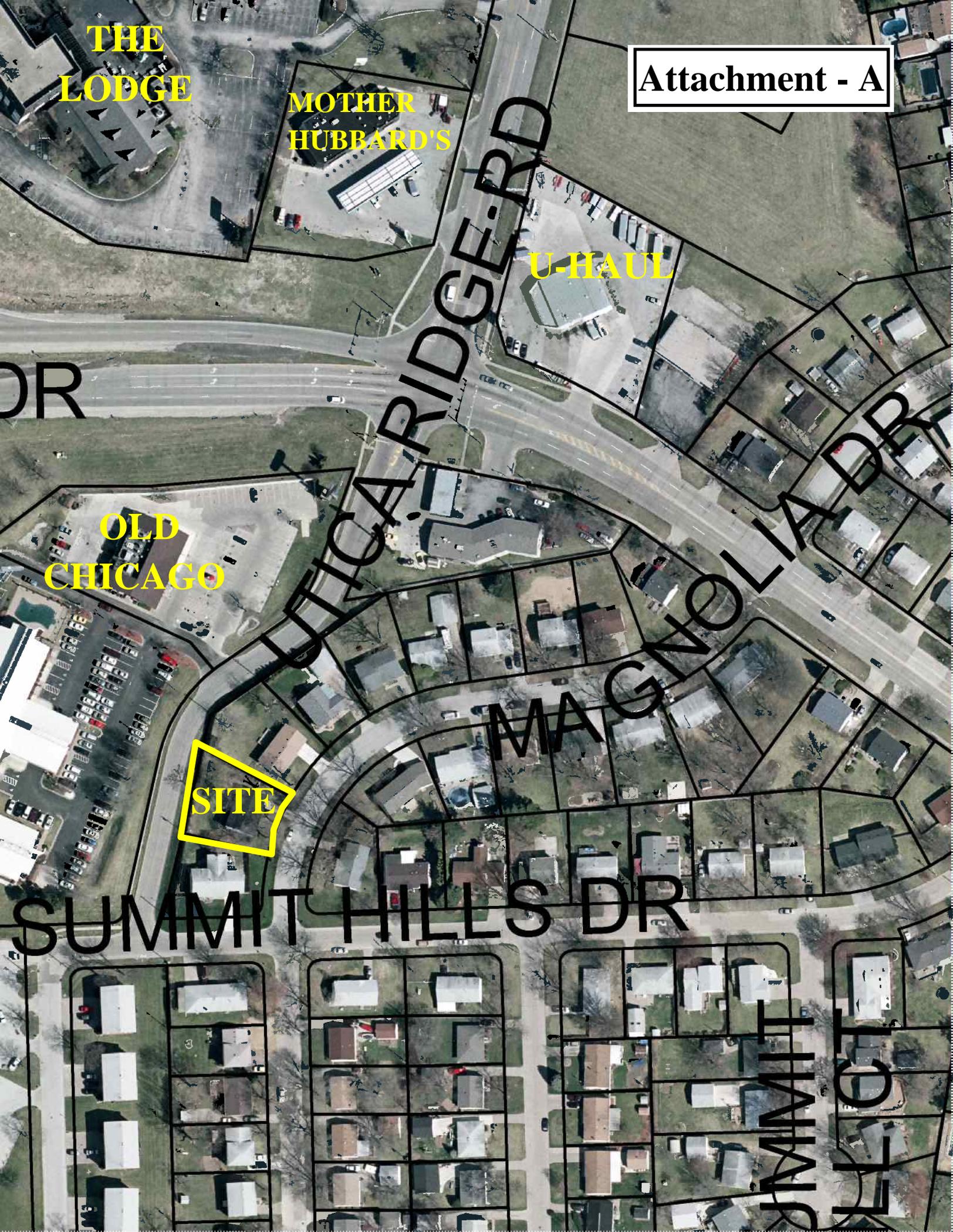
DR

SUMMIT HILLS DR

ELICAR RIDGE RD

MAGNOLIA DR

**SUMMIT
DR**



6-10-1

3006 MAGNOLIA, BETH.
BOYS HOME

24'



—

11'

—

Attachment - C

Case No. 11-063

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

Part 1. Property Involved.

Street Address 3006 Magnolia Dr
Legal Description of the property. Lot 9, Summit Hills First Addition

Part 2. Contact Information.

Applicant Name Christopher Cochran Phone 563-355-2172
Address 3006 Magnolia Dr FAX _____
E-mail Address: _____

Owner Name Nancy + Rosemary + Christopher Cochran Phone 563-355-2172
Address 2801 Cypress Dr FAX _____
E-mail Address: _____

Agent Dana Van Gilder - GC Permits Phone 563-340-6374
Address 2100 18th Ave Rock Island FAX _____
E-mail Address: dana@jospits.com

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

See Attached

- 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 violation of this ordinance.

- 3. Other. _____
(Attach a separate sheet and explain in detail.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved _____ Existing Zoning _____

Part 5. Reasons for Application. In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.

See Attached Items + Pages

1. Photo of area for proposed carport

2. City plot map

3-6. Engineered drawings for carport

7-9. Answers to Parts 1 thru 5 of Application

Part 6. Attachments. The following items are attached and are a part of this application.

- (1) 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- (2) 2. Legal Description. (If not shown on page 1.)
- (3) 3. Floor plan if internal design of building is part of application.
- (4) 4. List additional attachments.

Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 21 day of SEPT, 20 11.

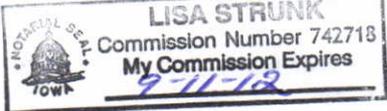
Signature of Applicant Christie Cahn Signature of Owner Donna L. Carver

(The owner MUST indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa)
) SS
 County of Scott)

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 21st day of September, 20 11.



Lisa Strunk
 Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

\$ 50.00 Single Family/Two-Family Residential Variance
 \$ 100.00 All Other Applications

Received by Lisa Strunk
 Amount \$50. Date 9/21/11



COMMUNITY DEVELOPMENT
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October 13, 2011

Staff Report

Case No. 11-064

Location: 6304 Ocean Boulevard

Applicant: Josh and Kristi Jacobs

Zoning Designation: R-2, Single-family Residence District

Request: Variance to allow a 6-foot high fence in a required front yard.

Background Information and Facts

The site is located southeast of the Devils Glen Road and Forest Grove Drive at the intersection of Palm Drive and Ocean Boulevard (see Attachment A – Location Map). The applicant would like to place a 6-foot high fence on the south side of the house (see Attachment B – Plot Plan). The property involved is a corner lot which technically has two front yards.

Staff Analysis

Under certain conditions, the Board has been receptive to allowing 6-foot high fences on corner lots when they are set back a reasonable distance from the property line. Recently the resident who lives at 3806 Rolling Hills Drive requested a variance to allow a 6-foot high fence to be placed on the property line. The Board compromised with the applicant and allowed the fence, but only if set back 10 feet from the property line along Tanglefoot Lane. Three similar requests were also approved recently with varying degrees of setbacks from the front property lines:

1. 3493 Adele Lane A 6-foot high fence was allowed set back 15 feet from Devils Glen Road. (7/8/10)
2. 3498 Fieldsike Drive A 6-foot high fence was allowed set back 13 feet from Devils Glen Road. (4/14/11)
3. 5573 Charter Oaks Road A 6-foot high fence was allowed set back 19 feet from Moencks Road. (4/14/11)

The current request is for a 6-foot high fence to be set back 17 feet from Palm Drive which is consistent with the abovementioned variance requests. The proposed fence will not intrude into the required 35-foot vision triangle and will not pose any traffic hazard.

The lot is 14,100 square feet in size. If the fence were placed at the required setback, only approximately 5,000 square feet of the fenced area of the yard would be usable. The 13-foot encroachment into the front yard adjacent to Palm Drive appears to be a minimal intrusion given the size and layout of this lot.

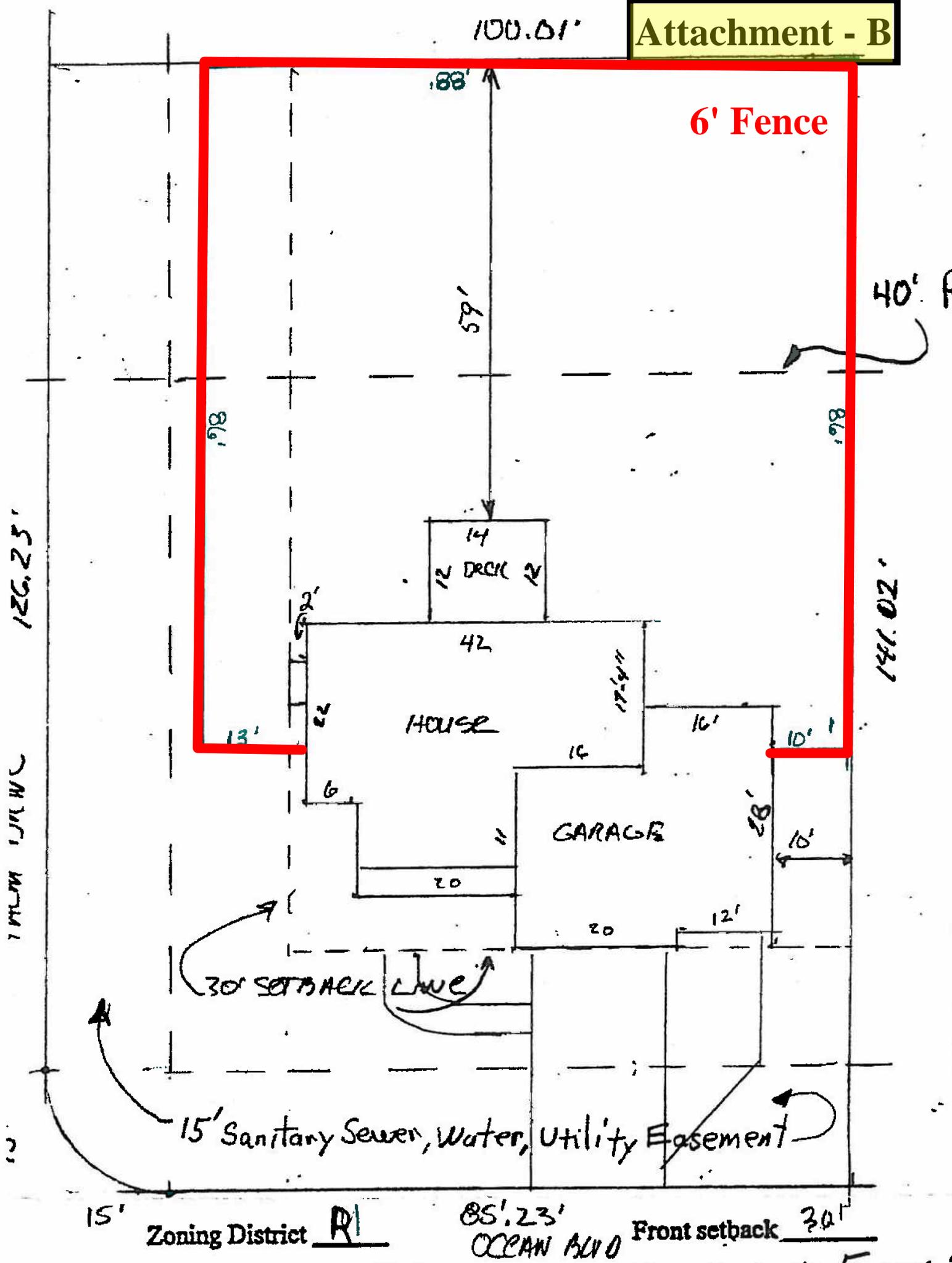
Staff Recommendation

The request appears to be consistent with previous Board actions and is in conformance with the Board's stated preference for 6-foot high fences to be placed at least 10 feet from the property line on corner lots.

Respectfully submitted,

John Soenksen
City Planner

Attachment - B





Case No. 11-064

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

Part 1. Property Involved.

Street Address 6304 Ocean Blvd

Legal Description of the property: Lot 25, Beaver Crossing Third Add

Part 2. Contact Information.

Applicant Name Josh & Kristi Jacobs Phone 563-332-7529

Address 6304 Ocean Blvd Bettendorf FAX _____

E-mail Address: schlag21@hotmail.com

Owner Name _____ Phone _____

Address _____ 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 violation of this ordinance.

3. Other. _____
(Attach a separate sheet and explain in detail.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved _____ Existing Zoning _____

Part 5. Reasons for Application. In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.

see attachment

Part 6. Attachments. The following items are attached and are a part of this application.

- 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- 2. Legal Description. (If not shown on page 1.)
- 3. Floor plan if internal design of building is part of application.
- 4. List additional attachments. Reasons for Application

Part 7. Signature.

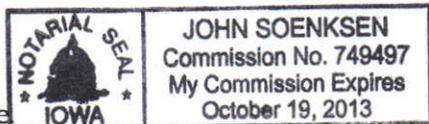
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 28 day of Sep, 20 11.

Signature of Applicant Krista Jacobs Signature of Owner NG
(The owner MUST indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa)
 SS
County of Scott)

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 28th day of Sept, 20 11.



John Soenkse
Notary Public in and for Scott County, Iowa

Part 10. Filing Fee
\$ 50.00 Single Family/Two-Family Residential Variance
\$100.00 All Other Applications

Received by Credit Card - Deb M.
Amount \$50 Date 9-28-11

Reason for Application:

We would like to put a 6' privacy fence, 13' out from our house to the south, which according to the city of Bettendorf's code is considered a front yard due to the fact that we live on a corner lot in a residential zone. The fence is planned to be 17' from the property line to be more aesthetically pleasing for the neighborhood. The fence will also not impede with visibility from either street. We are asking for a 6' fence for more safety, security and privacy for our backyard from the street as well as utilizing the maximum space of our backyard.



COMMUNITY DEVELOPMENT
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4100

October 13, 2011

Staff Report

Case No. 11-065

Location: 4306 State Street

Applicant: Greg Poley

Zoning Designation: C-3, General Business District

Request: Variance to reduce the required side yard setback from 10 feet to 5 feet to allow for construction of a building for an auto repair business.

Background Information and Facts

The site is located on the north side of State Street and adjacent to the Duck Creek Recreational Trail (see Attachment A – Location Map). The applicant would like to construct a building to be used for an automobile repair shop; the southwest corner of the building would be within 5 feet of the west side property line.

Staff Analysis

Section 15.32.3.(f) states that an “automobile repair shop” is an allowed use within the C-3 zoning district. The applicant’s proposed use of the building is allowed.

Section 15.37.3 states that “no side yard is required, except if a yard is provided it shall be not less than ten feet”. If the applicant had chosen to place the building at a zero setback, it would have been allowed without a variance.

Due to the shape of the west side of the lot, the rear of the structure will be set back approximately 15 feet from the side yard. The average side yard setback on that side will be 10 feet which generally meets the intent of the ordinance.

It should be noted that the Duck Creek Recreational Trail is adjacent to the west side of the property, and Duck Creek is located west of the recreation trail. The nearest property west of the proposed site of the building is 80 feet away.

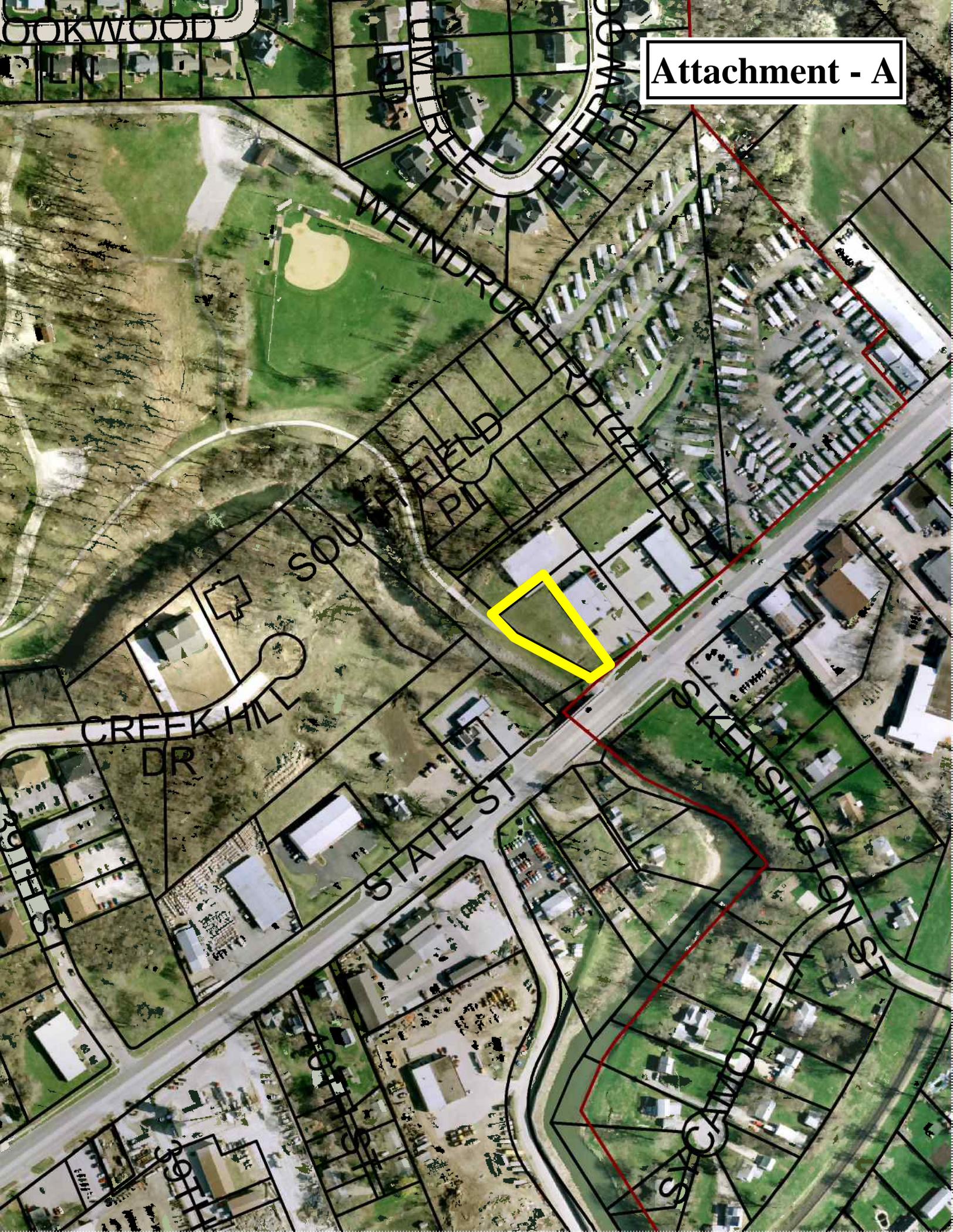
Staff Recommendation

Staff feels that the listed facts support the fact that the separation intent of the ordinance will be met if the variance is granted.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



LOOKWOOD
DEERWOOD

WEINDRUCKER RD (44TH ST)
SOUTHWIND PL

CREEKHILL DR

STATE ST

KENSINGTON ST
CANMORE LN

Case No. 11-065

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

Part 1. Property Involved.

Street Address 430 6 State Street

Legal Description of the property: WILMAN ALLARD 1st Addition Lot 1

Part 2. Contact Information.

Applicant Name Greg Foley Phone 355-8151 - 370-8760

Address 1218 Grant St Bett IA 52722 FAX _____

E-mail Address: foleski4@msn.com

Owner Name _____ Phone _____

Address _____ 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 violation of this ordinance.

3. Other. _____
(Attach a separate sheet and explain in detail.)



COMMUNITY DEVELOPMENT
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4100

October 13, 2011

Staff Report

Case No. 11-066

Location: 3243 Bear Tooth Court

Applicant: Dennis and Teresa Achenbaugh

Zoning Designation: I-2, General Industrial District

Request: An appeal of the zoning administrator's decision to prohibit a fitness center in an I-2 General Industrial District.

Background Information and Facts

The site is located in the Bear Tooth Court industrial park area (see Attachment A – Location Map). The applicant has asked the Zoning Administrator to allow one of the units in a multi-unit building (3243 Bear Tooth Court) to be used to house a “weight lifting/exercise business” (Quad Cities Barbell). It is the opinion of the Zoning Administrator that a “weight lifting/exercise business” is not appropriate in the I-2 district and more closely corresponds to “fitness center” which is not a permitted use. The applicant is appealing that decision to the Board.

Staff Analysis

The Zoning Administrator has determined that the activities of the proposed business are typical of what would be expected to occur at a fitness center. Section 15 of the Zoning Ordinance lists a fitness center as a permitted use in the C-2, Community Shopping District, the C-3, General Business District, the C-4, Automotive Service District, and the C-5, Office/transitional District. These are the only districts which specifically address fitness centers.

The I-2, General Industrial District description states: “The I-2 General Industrial District is intended to provide lands for development by most types of industrial firms. The regulations are designed to permit operations in a clean and quiet manner and to protect adjacent district uses and industries within the district. Further development of residences is prohibited in this district to keep homes from absorbing any adverse effects of the industries and to conserve the supply of industrial land for industrial use. All uses must comply with the performance standards.”

The I-2, General Industrial District lists the following **permitted uses**:

- (a) Industrial-type uses permitted in the I-1 district.
- (b) Agricultural building and structure.
- (c) Automotive salvage yard, if in a completely enclosed building.
- (d) Firms involved in the servicing, packaging, cleaning, repair and storage of materials, goods and products.
- (e) Industrial firms involved in the fabrication, processing, production, compounding and manufacturing of materials, goods and products.

- (f) Planing mill and saw mill, if in a completely enclosed building.
 - (g) Railroad freight station, but not including switching, storage, freight yards and maintenance facilities.
 - (h) Storage and sale of trailers, farm implements and other similar equipment on an open lot.
2. Wholesale and warehouse uses, such as, but not limited to:
 - (a) Wholesale and warehouse uses permitted in the I-1 district.
 - (b) Warehouse.
 - (c) Wholesale establishment.
 - (d) Storage of household goods.
 3. Commercial uses.
 - (a) Commercial uses permitted in the I-1 district.
 - (b) Business establishments.
 - (1) Bottled gas dealer.
 - (2) Bottling works.
 - (3) Building services and supplies.
 - (4) Cartage, express and parcel delivery establishment.
 - (5) Commercial greenhouse.
 - (6) Commercial testing laboratory.
 - (7) Contractor's yard.
 - (8) Fuel oil dealer.
 - (9) Sign and billboard.
 - (10) Sign contractor.
 - (11) Tire retreading and repair shop.
 - (12) Truck terminal.
 4. Public, quasi-public, and governmental buildings and facilities, such as, but not limited to:
 - (a) Public, quasi-public, and governmental buildings and facilities permitted in the I-1 district.
 - (b) Animal pound and shelter.
 - (c) Transit and transportation facility.
 - (d) Parking lots, public and private.

The following **special uses** are listed in the I-2 General Industrial District.

1. Similar and compatible uses to those allowed as "**permitted uses**" in this district.
2. Childcare center and preschool.
3. Concrete and asphalt mixing.
4. Golf driving range.
5. Hospital.
6. Hotel and motel.
7. Power generating station.
8. Retail or business services intended to serve the permitted uses within the district and not dependent upon the direct visit of retail customers.

9. Mining and/or the extraction of materials, sand, gravel, topsoil or other aggregates, including equipment, buildings, or structures for screening, crushing, mixing, washing, or storage provided that:
 - (a) No open pit or shaft shall be less than two hundred (200) feet from any public road.
 - (b) All buildings or structures shall be located not less than two hundred (200) feet from any property line.
 - (c) The borders of the property shall be fenced with a solid fence or wall at least six (6) feet in height when the property is adjacent to or across the street from any district other than an industrial district.
 - (d) A plan of development of the reclamation of the land shall be provided as part of the application for special use. The plan of development shall be accompanied by a written agreement between the owner or his agent and Bettendorf, and a performance bond in an amount equal to the cost of the reclamation of the land as set forth in the development plan.
10. Residence of the proprietor, caretaker, or watchman, when located on the premises of the commercial or industrial use.
11. Sewage treatment plant.
12. Concrete block manufacturing.

Based on all of the items specified in the Code and listed above, the Zoning Administrator determined that a fitness center in the I-2 General Industrial District:

1. Does not match the intent specified in the "Description of District".
2. Is not specified as a "permitted use".
3. Is not specified as a "permitted special use".
4. A fitness center is not "similar and compatible" to the permitted uses listed above.

Staff Perspective

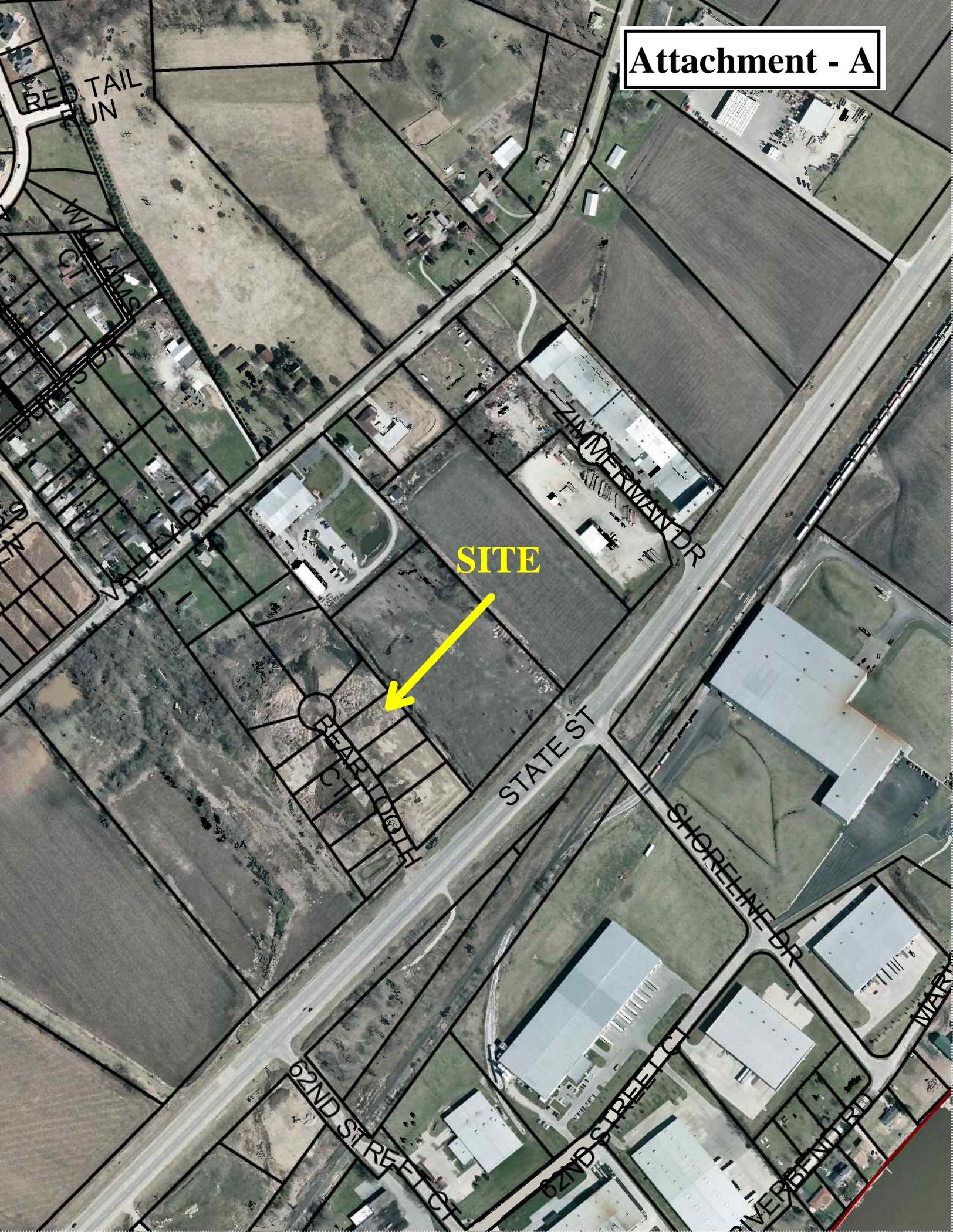
Although staff is not necessarily opposed to a fitness center in an I-2 General Industrial District, staff simply feels it is inappropriate to approve the request at the staff level based on the ordinance requirements.

If the Board approves the request as a "special use" as is being requested, then the Board should consider if adequate parking spaces are available for the use. The applicant states that no more than eight customers will be at the site at any time and that the site has twelve parking spaces. The approved site plan for the entire development (including the applicant space), however, indicates that there are only nine total parking spaces for available for the overall development on which two businesses currently are located (see Attachment B – Site Plan).

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE



RED TAIL RUN

WILLIAMS CT

VALLEY DR

ZIMMERMAN DR

BEARFOOT CT

STATE ST

SHORELINE DR

62ND STREET CT

62ND STREET CT

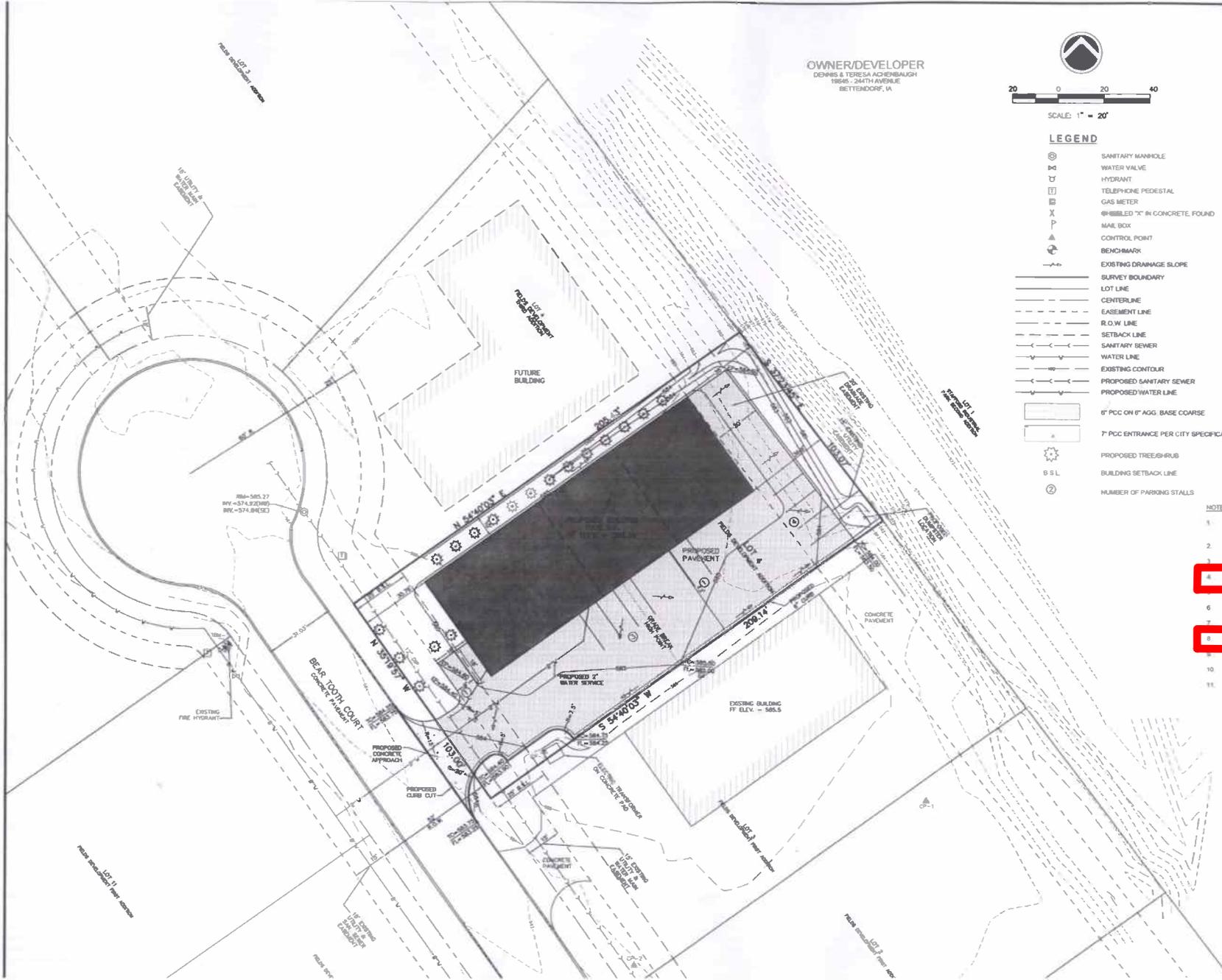
RIVER BEND RD

OWNER/DEVELOPER
 DENNIS & TERESA ACHENBAUGH
 1886 - 24TH AVENUE
 BETTENDORF, IA



LEGEND

- ⊕ SANITARY MANHOLE
- ⊕ WATER VALVE
- ⊕ HYDRANT
- ⊕ TELEPHONE PEDESTAL
- ⊕ GAS METER
- ⊕ MISBILED 7" IN CONCRETE FOUND
- ⊕ MAIL BOX
- ⊕ CONTROL POINT
- ⊕ BENCHMARK
- EXISTING DRAINAGE SLOPE
- SURVEY BOUNDARY
- LOT LINE
- CENTERLINE
- EASEMENT LINE
- R.O.W. LINE
- SETBACK LINE
- SANITARY SEWER
- WATER LINE
- EXISTING CONTOUR
- PROPOSED SANITARY SEWER
- PROPOSED WATER LINE
- ▭ 6" PCC ON 6" AGG. BASE COURSE
- ▭ 7" PCC ENTRANCE PER CITY SPECIFICATIONS
- ⊙ PROPOSED TREESH/RUB
- ⊙ B S L
- ⊙ NUMBER OF PARKING STALLS



- NOTES**
1. LEGAL DESCRIPTION OF PROPERTY IS LOT 4 OF FIELDS DEVELOPMENT FIRST ADDITION.
 2. SETBACKS SHOWN ARE PER CITY OF BETTENDORF ZONING ORDINANCE.
 3. ZONING DISTRICT - U2 - GENERAL INDUSTRIAL.
 4. BUILDING WILL BE USED AS COMMERCIAL WAREHOUSE.
 5. TOTAL VEHICLE AIR USE AREA (VUA) = 9,842 S.F.
 6. BUILDING AREA = 7,000 S.F.
 7. TOTAL VEHICLE AIR USE AREA (VUA) = 9,842 S.F.
 8. 6 PARKING STALLS PROVIDED, 6 SPACES REQUIRED.
 9. WATER TO BE PROVIDED BY IOWA AMERICAN WATER CO.
 10. CITY OF BETTENDORF SEWER DISPOSAL.
 11. BUILDING WILL NOT BE EQUIPPED WITH AN AUTOMATIC SPRINKLER SYSTEM.

HORIZONTAL DATUM

CP-1	NORTH 89° 25'
CP-2	4202 1170
CP-3	4130 5851
CP-3	4309 0377

VERTICAL DATUM

TBM-1	BOLT BY IAC
	WEST SIDE
	OF U.S. 67

JUN 3

Attachment - B

**DENNIS & TERESA ACHENBAUGH
3241 BEAR TOOTH COURT
BETTENDORF, IOWA 52722
370-9019 or 9028**

September 29, 2011

Bill Connor
City of Bettendorf
Community Development Department
City Hall Annex
4403 Devils Glen Road
Bettendorf, Iowa 52722

Dear Mr. Connor:

In our building on Bear Tooth Court, we have three separate units within the building. Our vending business occupies the address at 3241. We have recently leased the unit at 3245 address to Eurotech, Inc.. Eurotech is in the concrete leveling business covering approximately 25 states. They have an office manager/regional director and two associates. The two associates are usually in the field. The unit at the 3243 address (2000 sq.ft.) is the potential home for Quad Cities Barbell. Quad City Barbell is a start up weight lifting / exercise business with a personal trainer.

The purpose of this application for a special use permit is that a business like Quad City Barbell is not listed as an authorized "special use" as outlined in paragraph 16.23 of Appendix B: Section 16.2/I-2 General Industrial District. Some specifics about the business include:

1. On site professional personal trainer at all times
2. No more than eight participants at any time
3. Hours of operation will be 5:00 A.M. to 8:00 P.M. M-F. Envision some weekend hours.
4. No overlap between sessions.
5. Twelve parking spaces available.
6. Additional parking available and offered at neighboring business owned by John Frieberger.
7. Both owners of neighboring buildings, Troy Sade and John Frieberger, have given their approval of the new business.

The zoning regulations allow for a special use permit for hospitals, day care, and hotels plus several other personal activities. However, weight training is not listed. The business activity of weight training in an I-2 area is much less differential to industrial

activity than a hospital, childcare, or hotel. Request this activity be eligible for consideration of a special use permit and that such a special use permit be granted forthwith.

Sincerely,



Dennis & Teresa Achenbaugh



Encl: Site Plan, Appeal, and Application to the Zoning Board of Adjustment of Bettendorf, Iowa



Case No. 11-066

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

Part 1. Property Involved.

Street Address 3243 Bear Tooth Court

Legal Description of the property. 0238--004 Fields Development 1st Add Lot 4

Part 2. Contact Information.

Applicant Name Dennis or Teresa Achenbaugh Phone 563 370 9019 or 9028
Address 3241 Bear Tooth Ct. FAX 563 388 9354
E-mail Address: DenAch 50@AOL.Com

Owner Name Dennis or Teresa Achenbaugh Phone _____
Address 19675 244th Ave Bett. FAX 563 370 9019
E-mail Address: Den Ach 50@AOL.com

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:
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 - (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 violation of this ordinance.
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Part 6. Attachments. The following items are attached and are a part of this application.

- 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- 2. Legal Description. (If not shown on page 1.)
- 3. Floor plan if internal design of building is part of application.
- 4. List additional attachments.

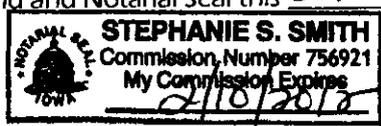
Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 29th day of September 2011.

Signature of Applicant [Signature] Signature of Owner [Signature]
(The owner MUST indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa)
) SS
County of Scott)

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 29th day of September, 2011
 Stephanie S. Smith
Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

\$ 50.00 Single Family/Two-Family Residential Variance
\$100.00 All Other Applications

Received by _____
Amount _____ Date _____