

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
MARCH 8, 2012
5:00 P.M.**

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

1. Roll Call: Falk _____, Gallagher _____, Howe _____, Johnson _____, Voelliger _____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of February 9, 2012.
4. Election of officers.
5. The Board to hold a public hearing on the following items:
 - a. Case 12-014; 2801 Bellevue Avenue (R-2) - A request for a variance to increase the allowable square footage for a garage from 720 square feet to 1,080 square feet and to allow a 2-foot encroachment into the established front yard setback, submitted by Richard Frantz.
 - b. Case 12-016; 800 - 23rd Street (R-2) - A request for a special use permit to allow a church, submitted by Apostolic Assembly of Bettendorf.
 - c. Case 12-018; 3135 Central Avenue (R-2) - A request for a variance to increase the allowable square footage for a garage from 720 square feet to 936 square feet, submitted by Dennis Stoffel.

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

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

Item 1. Roll Call

PRESENT: Howe, Johnson, Voelliger
ABSENT: Falk
STAFF: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of January 12, 2012.

On motion by Voelliger, seconded by Johnson, that the minutes of the meeting of January 12, 2012 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to review and approve the 2011 Board of Adjustment Annual Report.

On motion by Voelliger, seconded by Johnson, that the 2011 Board of Adjustment Annual Report be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 12-007; 1304 Elmore Avenue (R-1) - A request for a variance to reduce the required front yard setback from 30 feet to 20 feet to allow for construction of a deck and pergola, submitted by Richard and Lisa Syfert.

Howe 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.

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

Keith Timm, the applicant's contractor, explained that the intended objective for the proposed deck construction is to create some type of visual interest on the east side of the house. He indicated that the proposed deck is more for aesthetic purposes, not function, adding that for the most part, the deck would be only 6 feet deep. Timm explained that the design of the deck will allow it to be connected to the existing one.

Soenksen stated that he had received no comments from the neighbors regarding the case.

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

Howe commented that in his opinion the proposed deck would not be obtrusive and would be an attractive addition to the home.

On motion by Voelliger, seconded by Johnson, that a variance to reduce the required front yard setback from 30 feet to 20 feet to allow for construction of a deck and pergola be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 12-008; 2002 Spruce Hills Drive and 2828 - 18th Street (C-1/C-5) - A request for a special use permit to allow a drive-up window, submitted by FEPH Acquisitions Fund II, LLC.
- c. Case 12-009; 2002 Spruce Hills Drive and 2828 - 18th Street (C-1/C-5) - A request for a variance to allow parking in a required front yard along 18th Street, submitted by FEPH Acquisitions Fund II, LLC.

Howe asked if there was an affidavit of publication. Soenksen stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Soenksen reviewed the staff report. Staff report is Annex #5 to these minutes.

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

Tom Lowe, representing the applicant, explained that his firm has been working on the proposed redevelopment for a long time. He indicated that his firm has been working on a relocation plan with the owners of the buildings that are proposed to be demolished, adding that none of the businesses will be closed. Lowe stated that a new

location has already been found for the bank. He explained that he had met with staff whose design suggestions were subsequently incorporated into the plan.

Voelliger asked if Learning Campus Drive would be closed as a result of the redevelopment. Soenksen explained that it would remain open.

Voelliger asked for clarification of the proposed traffic pattern. Soenksen explained that motorists could enter the property either from Learning Campus Drive or 18th Street from the shared driveway with the city. Voelliger asked if customers could access the drive-up window from the northernmost access point from Learning Campus Drive. Lowe explained that a customer using the drive-up window would have to enter from the southernmost entrance on Learning Campus Drive and go around the building to the drive-up lane. He added that the driveway nearest the drive-up window would only be an exit.

Voelliger expressed concern that the entrance to the shared driveway is too steep and narrow for the amount of traffic involved. Soenksen stated that those issues would be addressed at the site development plan level.

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

Johnson commented that it appears as though the development is logically designed and fits well into the area. Howe concurred.

On motion by Johnson, seconded by Voelliger, that a special use permit to allow a drive-up window be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

Voelliger commented that the three different sections of parking on the 18th Street side of the development might make vehicular travel difficult. He asked if there is adequate space for motorists to navigate safely. Soenksen confirmed this, reiterating the Planning and Zoning Commission would address this issue during the site development plan review process. He added that prior to the P & Z meeting city departmental staff has a development review committee at which issues such as turning radii are addressed.

On motion by Voelliger, seconded by Johnson, that a variance to allow parking in a required front yard along 18th Street be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #7 to these minutes.

- d. Case 12-012; 3230 Ridge Pointe (C-1) - A request for a special use permit to allow a drive-in banking facility, submitted by Deere Harvester Credit Union.

Howe 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.

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

Matt McCombs, representing the applicant, stated that the plan was designed to accommodate the heavy traffic on Middle Road and Belmont Road. He added that because Ridge Pointe is set back substantially from that intersection, there should be no traffic problems for people who are turning from either street. McCombs reiterated that it is unlikely that there would ever be more customers utilizing the drive-up window than the stacking space provided can accommodate.

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

Voelliger commented that because of some existing evergreen trees on a nearby property, staff should look at site distance issues as they relate to the project.

Howe stated that he believes that the plan has been well thought out and mitigates any potential traffic issues.

On motion by Johnson, seconded by Voelliger, that a special use permit to allow a drive-up window be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #9 to these minutes.

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

March 8, 2012

Staff Report

Case No. 12-014

Location: 2801 Bellevue Avenue

Applicant: Richard Frantz

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

Request: Variance to increase the allowable square footage for a garage from 720 square feet to 1,080 square feet and to allow a 2-foot encroachment into the established front yard setback.

Background Information and Facts

The site is located at the southeast corner of Bellevue Avenue and 28th Street (see Attachment A – Location Map). The applicant would like to replace an existing garage with a new structure that would exceed the allowable square footage for a garage and extend two feet closer to 28th Street than does the existing house.

Staff Analysis

The applicant is making this request due to the fact that he is an avid car collector, including classic vehicles. The proposed garage would allow the applicant space to store his valued collections and have room to perform restoration on his collected items.

The existing garage is only 240 square feet which is very small by today's standards. The request is to replace the existing garage with a 30-foot by 36-foot structure in the rear yard (see Attachment B – Plot Plan). If allowed, the proposed garage structure would be 2 feet closer to 28th Street than is the west side of the home. It is staff's opinion that the 2-foot encroachment would likely be unnoticeable to most passersby.

The intent of the ordinance is to ensure that residential areas are not overbuilt with structures that detract from the overall aesthetics of the surrounding neighborhood. The applicant's lot is 6,250 square feet, and the existing house is 625 square feet. If allowed, the combined house and new garage square footage would be 1,705. After project completion, only 27% of the lot would be occupied by structures. An overall view of the surrounding neighborhood reveals that the area of many of the lots in this neighborhood have structures covering a larger percentage (see Attachment C – Neighborhood Comparison). Staff does not feel that the request would detract from the neighborhood based on building lot coverage; however, from a garage space to living area ratio, the proposed garage would be the largest in the neighborhood.

Staff cannot identify a hardship related to the shape or topography of the lot. The lot is, however, considerably smaller than the current standard for lots in the R-2 zoning district.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE

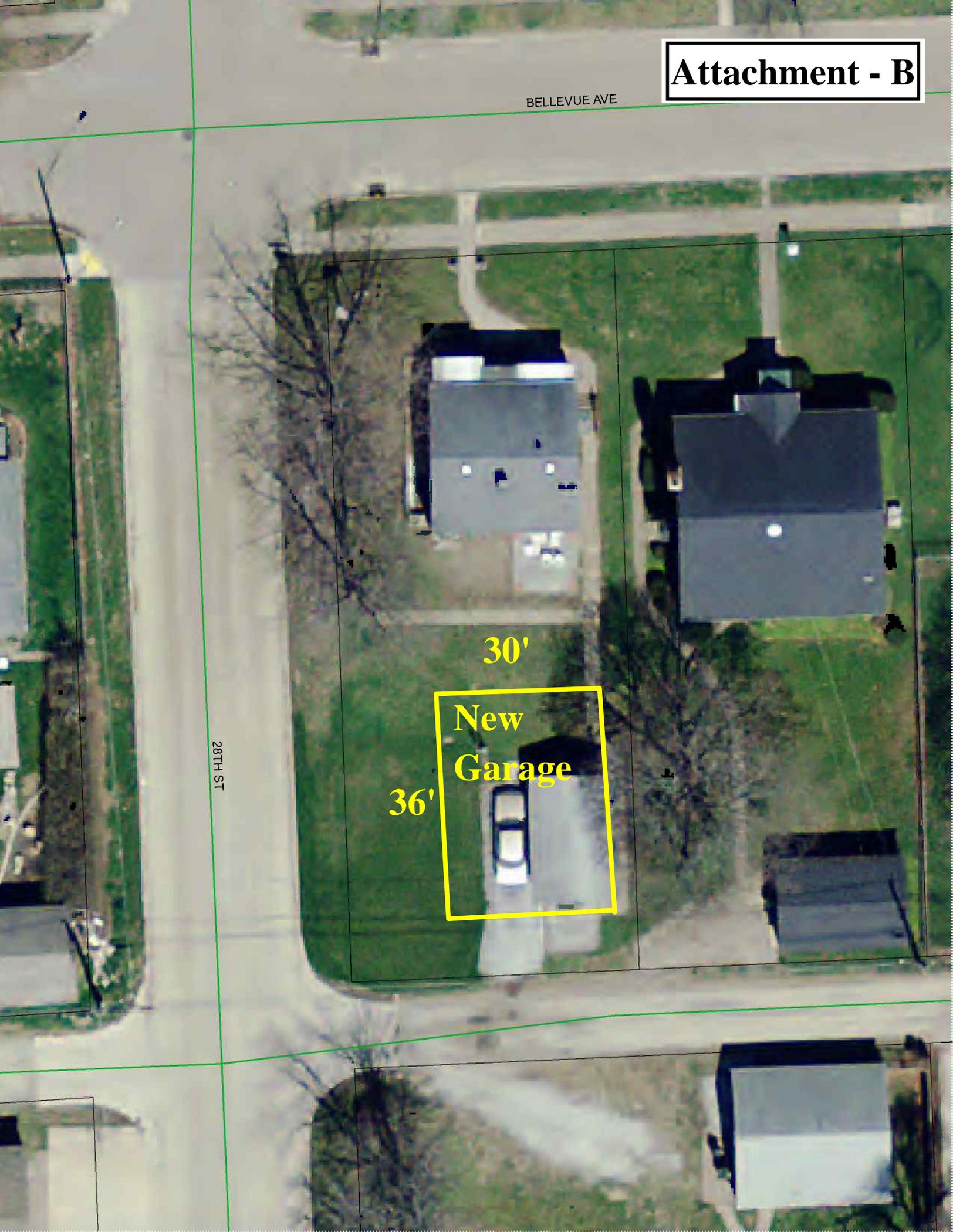


Attachment - B

BELLEVUE AVE

28TH ST

30'
New
Garage
36'



Attachment - C

BELLEVUE AVE



Case No. 12-014

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

Part 1. Property Involved.

Street Address 2801 Bellevue Av.

Legal Description of the property. Lot 16, Block 1, Bellevue 1st Add

Part 2. Contact Information.

Applicant Name _____ Phone _____
 Address _____ FAX _____
 E-mail Address: _____

X Owner Name RICHARD L FRANTZ Phone 309-235-1211
 Address 2801 BELLEVUE AVE FAX _____
 E-mail Address: FRANTZ.RICHARD@YAHOO.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:
- (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

March 8, 2012

Staff Report

Case No. 12-016

Location: 800 – 23rd Street

Applicant: Apostolic Assembly of Bettendorf

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

Request: Special use permit to allow a church.

Background Information and Facts

The site is located in the 800 block of 23rd Street and is known to many as the former Armstrong Elementary School (see Attachment A – Location Map). Apostolic Assembly of Bettendorf currently has a church building located at 1504 Grant Street. Their current site has been acquired for the I-74 bridge corridor project, and the church has been given until March 13, 2012 to relocate in order to facilitate building demolition. The church would like to relocate to the 23rd Street site (see Attachment B – Relocation Map). A church is a permitted special use in the R-2 zoning district.

Staff Analysis

The immediate plan is for the church to use only the northwest section of the old school building. The entirety of the property owned by Bettendorf Community School District is being re-platted, and the church has acquired the portion of the site located on 23rd Street. Attachment C shows the site sold to the church, and the “X” denotes the portion of the building that will be directly used for the church assembly area. The use of the remainder of the building has yet to be finalized. The replat shows an access easement which would allow parishioners to use the driveway north of the building off 23rd Street for ingress/egress into their parking lot as shown on Attachment C.

The church congregation is estimated to have between 100 and 150 members, so the site is appropriately large enough for their purpose with ample space for expansion if it is ever needed. Attachment D is a scaled comparison of the old site and new site. Staff is not aware of any complaints or problems related to parking at the old church site. Attachment D illustrates that the new church site will have at least six times the off-street parking that was available at the old site. This should prove to be more than adequate for the church’s current and future needs.

Staff has applied the criteria necessary prior recommending approval of a special use permit and feels that the request meets those requirements and is compatible with the adjacent residential area. Staff anticipates that even taking into consideration the amount of vehicular traffic, the church would be less intense than the former use of the building.

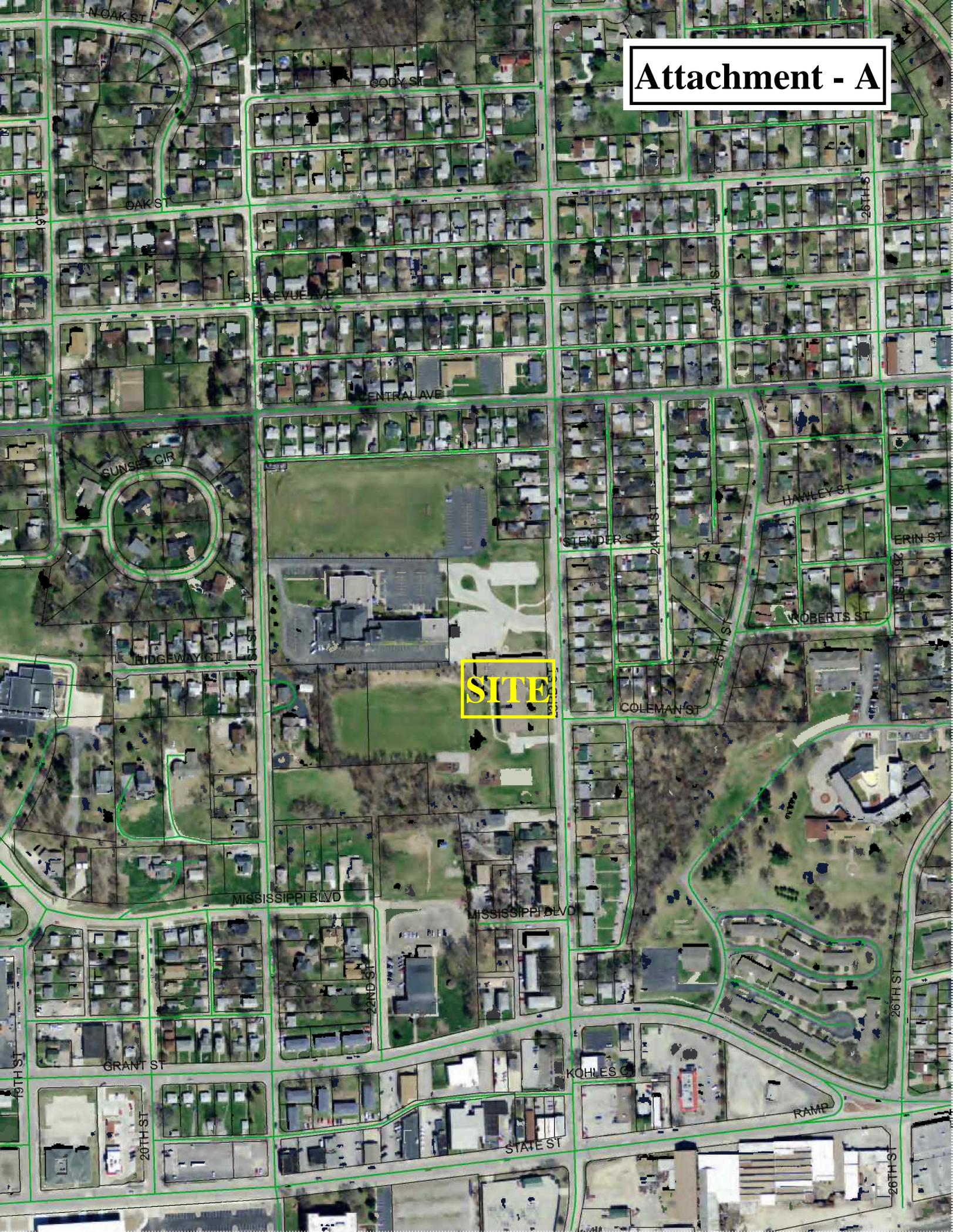
Staff Recommendation

Based on the above analysis, staff recommends approval of the special use permit.

Respectfully submitted,

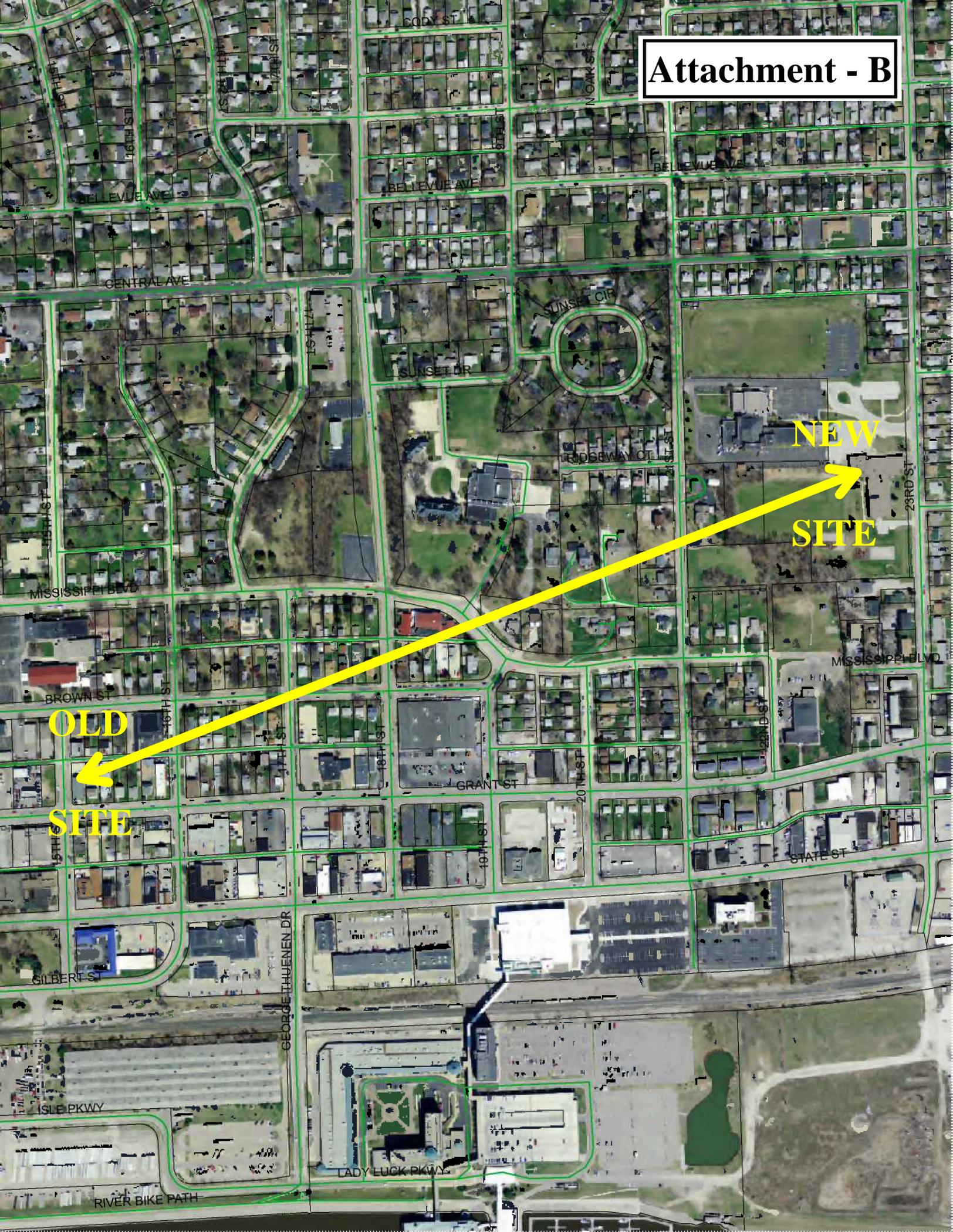
John Soenksen
City Planner

Attachment - A



SITE

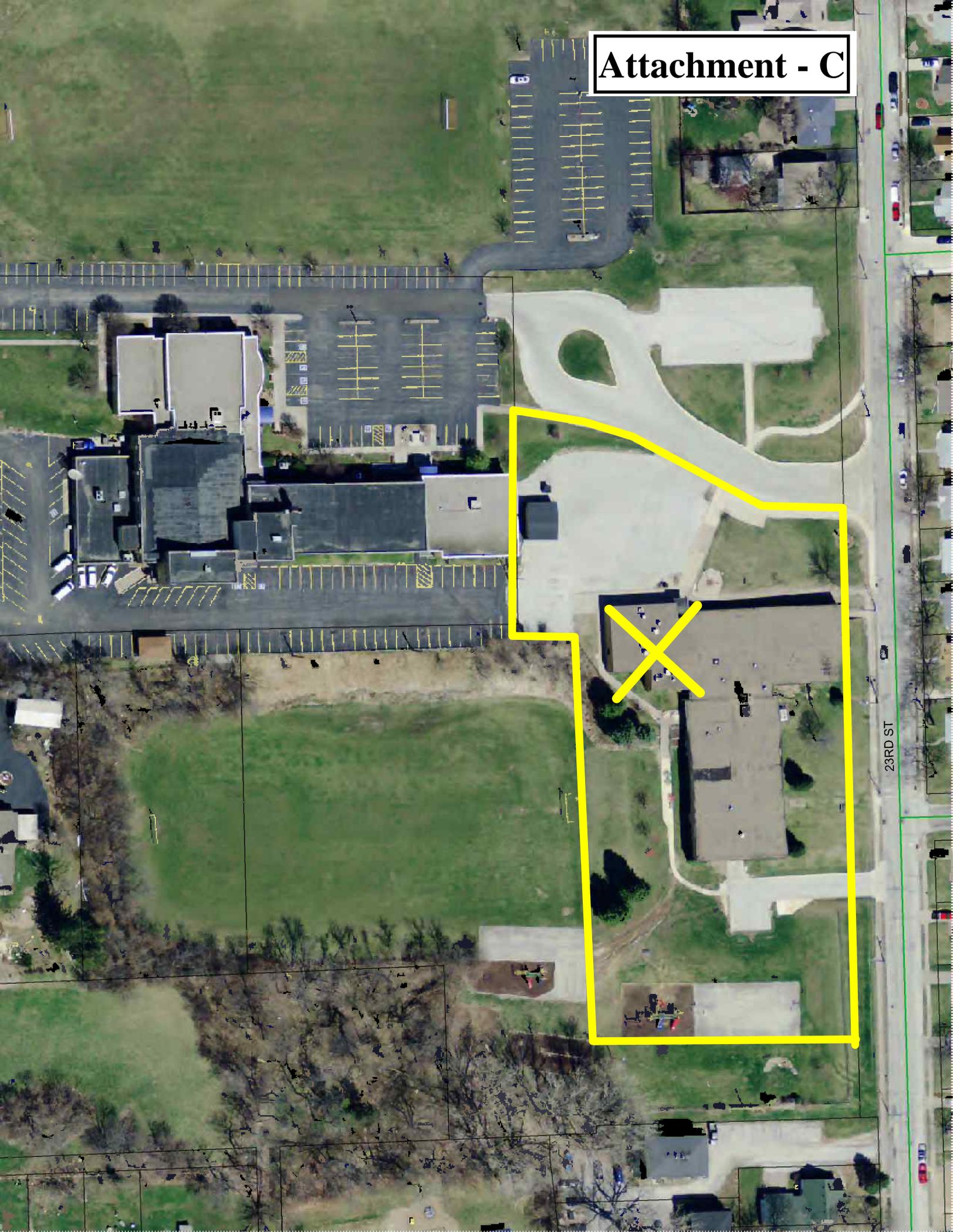
Attachment - B



**OLD
SITE**

**NEW
SITE**

Attachment - C

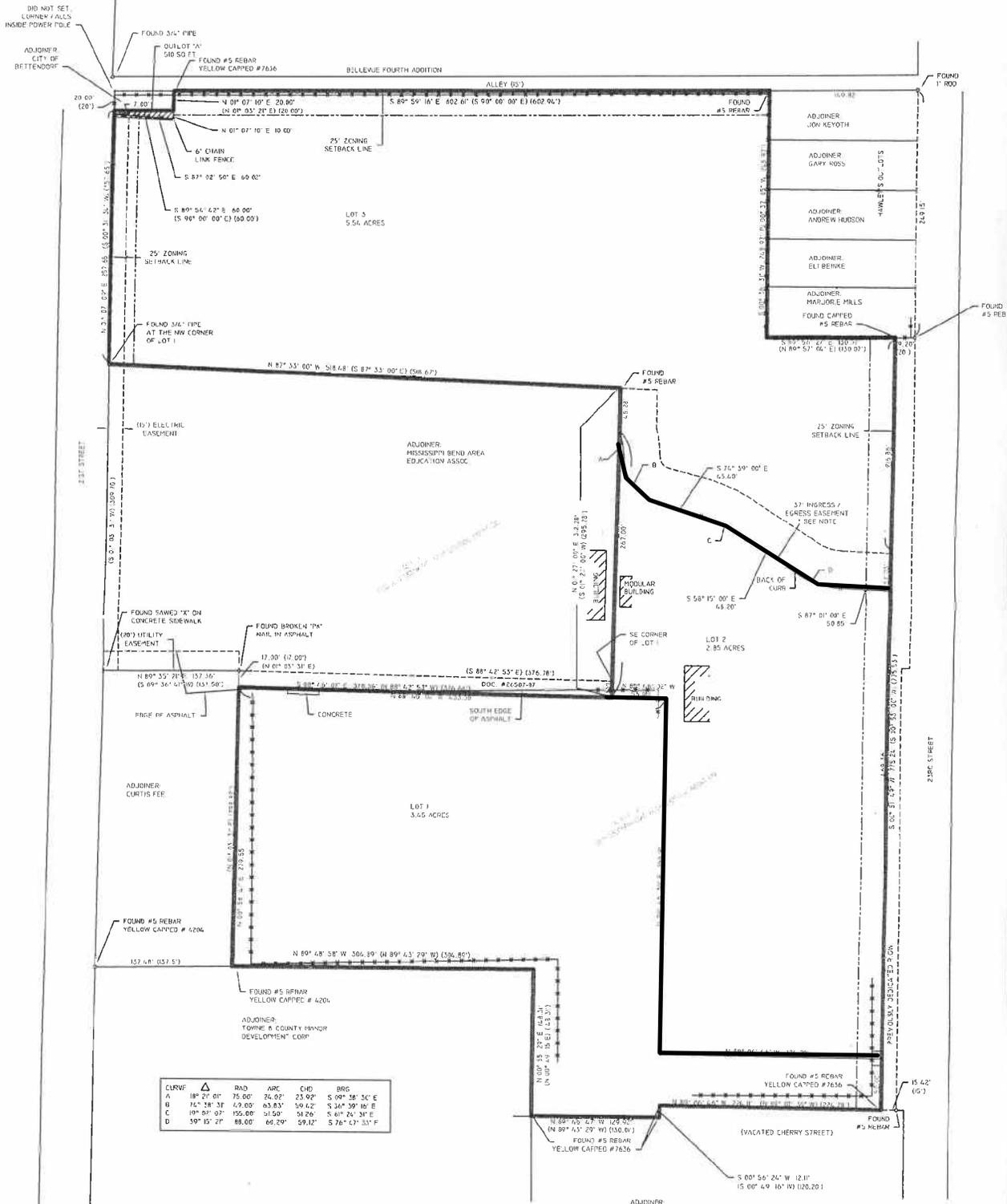


23RD ST

Attachment - D



Attachment - E



CURVE	△	RAD	ARC	CHD	BRG
A	18° 27' 01"	75.00'	74.03'	23.92'	S 99° 38' 34" E
B	74° 38' 31"	43.00'	43.83'	19.42'	S 34° 39' 16" E
C	10° 03' 07"	150.00'	151.50'	51.26'	S 61° 24' 31" E
D	59° 15' 27"	88.00'	86.29'	59.12'	S 76° 43' 31" E

APPROVAL SIGNATURES:

 MAYOR

 CITY CLERK

 TOWNSHIP PLANNING & ZONING

 COUNTY CLERK

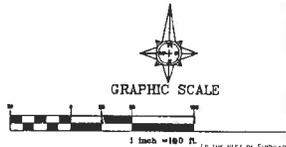
 IOWA - AMERICAN WATER COMPANY

 MIDAMERICAN ENERGY

APPROVED SUBJECT TO ENCUMBRANCES OF RECORD M.E.C.

PLAT NOTES ESTABLISH REQUIREMENTS FOR HOW A SUBDIVISION WILL DEVELOP. HOWEVER, THE CITY RESERVES THE RIGHT IN ITS SOLE DISCRETION TO ALTER OR AMEND ANY PLAT NOTE, OR TO SELL OR REVOKE ANY RIGHT OF WAY OR UTILITY EASEMENT RECORDED WITHIN THE PLAT. FURTHER, THE CITY RESERVES THE RIGHT UPON REQUEST OF THE OWNER TO RELOCATE ANY EASEMENT, ALTER LOT BOUNDARIES OR CHANGE TO BE RELOCATED.

* THE 37' EASEMENT IS FOR THE BENEFIT OF LOT 1, OLD BETTENDORF HIGH SCHOOL ADDITION AND LOTS 2 AND 3 OF OLD BETTENDORF HIGH SCHOOL 2ND ADDITION.



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A FULLY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

MICHAEL S. CRAPNELL DATE: _____
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2012

LEGEND:

DEED DIMENSION = (D.O.)

FIELD DIMENSION = (D.F.)

MONUMENTS FOUND = (M.F.)

MONUMENTS SET = (M.S.)

RED CAPTED (KRAVHILL, NO. 1005)

FENCE LINE = (F.L.)

SUBDIVIDER:

BETTENDORF COMMUNITY SCHOOL DISTRICT
 c/o JOHN CAMPBELL
 2357 TANKER FOOT LINE
 BETTENDORF, IOWA

CRAPNELL LAND SURVEYING CO.
 816 EAST RIVER DRIVE
 DAVENPORT, IOWA 52803
 (563) 336-3256

SURVEY FIELD: 12-14-11 PROJECT: BETTENDORF, IOWA

Case No. 12-016

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

Part 1. Property Involved.

Street Address 800 23rd St

Legal Description of the property. LOT 2 Old Bettendorf High School

Addition

Part 2. Contact Information.

Applicant Name David Medina - Apostolic Assembly of Bettendorf Phone 563.340.1863

Address 1504 Grant St Bettendorf FAX _____

E-mail Address: dmedina85@hotmail.com

Owner Name Bettendorf Community School District Phone 563.322.8600/563.529.1898

Address 800 23rd FAX _____

E-mail Address: jcampbell@campbell@bettendorf.k12.ia.us

Agent David Medina 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.
Due to the I74 Bridge, our church was purchased by the Iowa Department of Transportation. We have been given till March 13, 2012 to vacate the Church, unless other arrangements are granted.
The primary goal is to move our church congregation (100-150) to the north west section of the building. For this reason, we are requesting a special use permit so we can continue with our ministries and enlarge our worship center. In October (or sooner) of this year, we will submit renovation designs for the northeast section; this will serve as our permanent worship center.

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 _____ day of _____, 20 ____.

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)

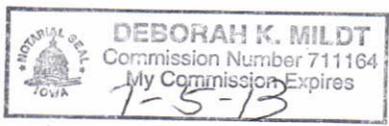
State of Iowa)
) SS
 County of Scott)

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 22nd day of February, 20 12
[Signature]
 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 USA Johnson
 Amount \$100. Date 2/22/12





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

March 8, 2012

Staff Report

Case No. 12-018

Location: 3135 Central Avenue

Applicant: Dennis Stoffel

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

Request: Variance to increase the allowable garage area from 720 square feet to 936 square feet.

Background Information and Facts

The site is located west of Neil Armstrong School on the south side of Central Avenue (see Location Map). Because of the size of the proposed garage replacement (936 square feet) a variance is required.

Staff Analysis

The applicant would like to replace his current garage which is 276 square feet in size. The garage has fallen into disrepair, having been built in 1924. The applicant would like to build a new 26-foot by 36-foot garage east of the current structure in the southeast corner of the lot (see Attachment B – Plot Plan).

If allowed, the garage would be set further back from Central Avenue and would be buffered with landscaping surrounding the east and south sides of the new structure (see Attachment C – Landscaping Illustration). Staff feels that the impact of the garage on the surrounding area would be minimal.

The proposed garage is 30% larger in square footage than is allowed by code. The applicant's lot is one of the largest interior lots in the neighborhood and is twice the size of most of the lots in this area (see Attachment D – Lot Size Comparisons).

Staff Recommendation

Staff cannot cite a hardship related to this request.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A

SITE



**Neil
Armstrong
School**



Attachment - B

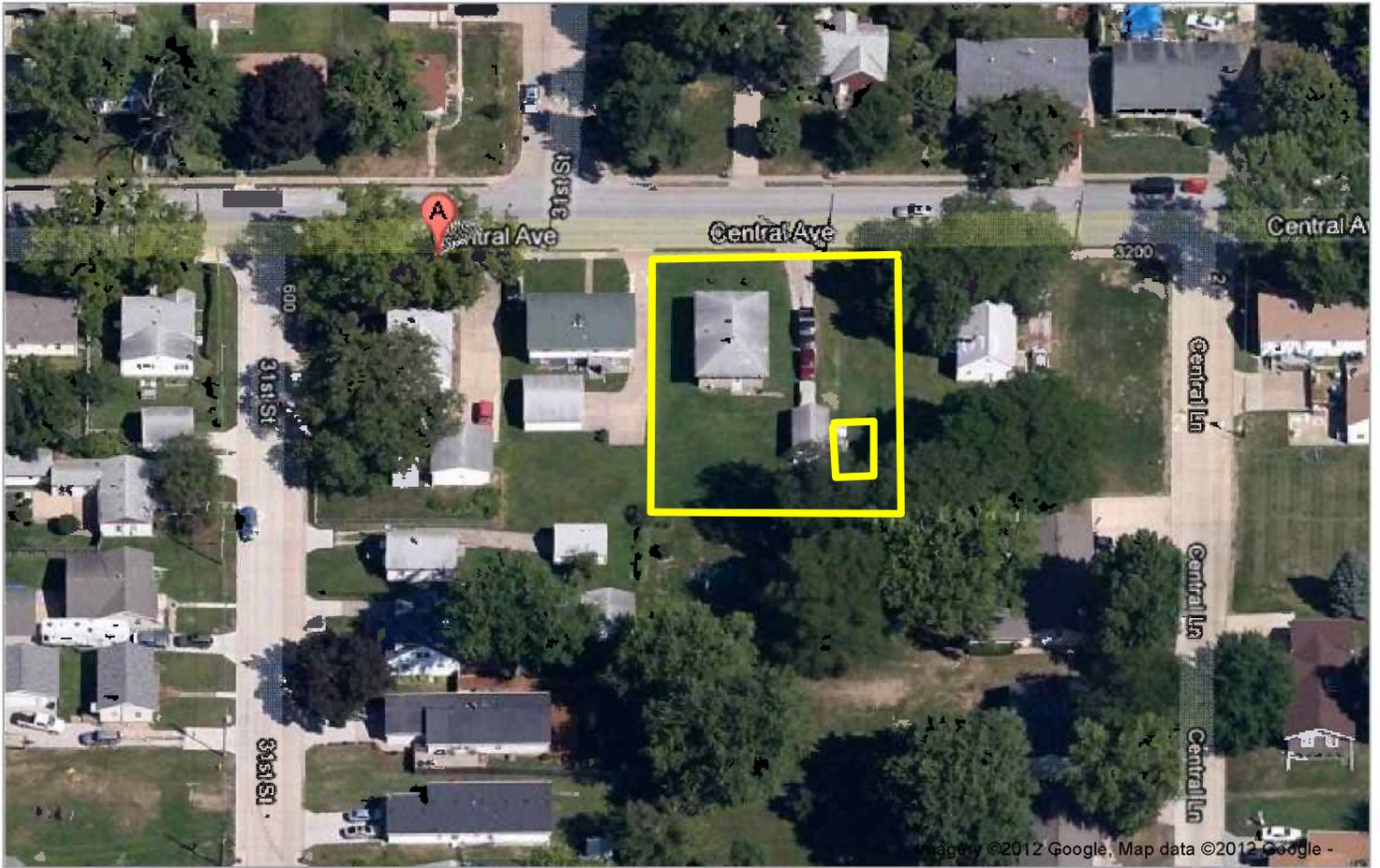
31ST ST

CENTRAL AVE

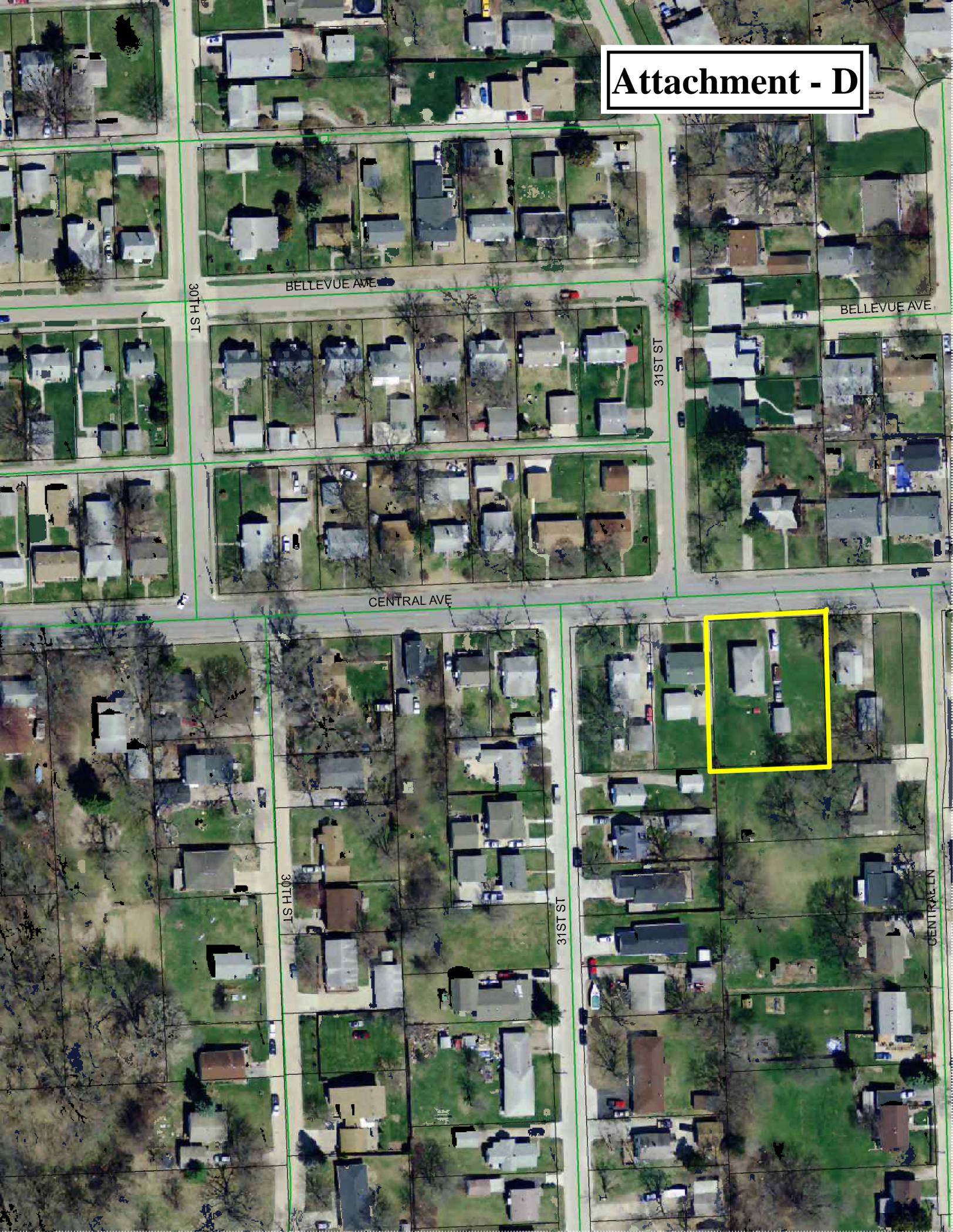
NEW



Attachment - C



Attachment - D



30TH ST

BELLEVUE AVE

BELLEVUE AVE

31ST ST

CENTRAL AVE

30TH ST

31ST ST

CENTRAL LN

Case No. 12-018

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

Part 1. Property Involved.

Street Address 3135 CENTRAL AVE BETTENDORF IA 52722

Legal Description of the property. _____

Part 2. Contact Information.

Applicant Name DENNIS STOFFEL Phone 563-424-2544

Address 3135 CENTRAL AVE FAX _____

E-mail Address: DCSTOFFEL@YAHOO.COM

Owner Name DENNIS STOFFEL Phone _____

Address 3135 CENTRAL AVE 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.)

