

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  
MAY 10, 2012  
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2<sup>nd</sup> Floor, 1609 State Street

1. Roll Call: Falk \_\_\_\_\_, Gallagher \_\_\_\_\_, Johnson \_\_\_\_\_, Voelliger \_\_\_\_\_
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of April 12, 2012.
4. The Board to hold a public hearing on the following items:
  - a. Case 12-031; 2339 - 53<sup>rd</sup> Avenue (C-2) - A request for a special use permit to allow a drive-in banking facility, submitted by Joe Minorik.
  - b. Case 12-032; 3462 Maple Glen Drive (R-4) - A request for a variance to reduce the required rear yard setback from 25 feet to 16 feet, submitted by Tom Stopulos.

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  
APRIL 12, 2012  
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Gallagher, Johnson, 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 March 8, 2012.

On motion by Johnson, seconded by Gallagher, that the minutes of the meeting of March 8, 2012 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 12-025; 6400 Crow Creek Road (R-1) - A request for a variance to reduce the required setback for an on-premises identification sign to 1 foot, submitted by Acme Sign Company.

Voelliger 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.

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

Craig Jarvis, representing the applicant, explained that the applicant would like to have their sign closer to the street because of the existing trees that will block visibility. He added that the proposed sign would be located approximately 25-30 feet from the curb. He indicated that the applicant had considered relocating the sign closer to the driveway but that the estimate for the expense of extending electrical power to it was \$2000.

Voelliger asked if the applicant had considered removing the trees that would decrease the visibility of the sign. Jarvis stated that the church leaders do not want to remove the trees, adding that he had made that suggestion as well.

Falk stated that in his opinion, any hardship related to the proposed sign is self-imposed by the applicant. He commented that it appears as though the church leadership feels that the sign is more important than the trees. He indicated that moving the sign nearer the driveway seems like a good solution and that it would then be code-compliant. Jarvis commented that to meet code requirements, the sign would likely encroach into the parking lot.

Soenksen explained that the original sign was indicated on the site development plan. He indicated that the Board has three options with regard to the proposed sign which include denying the request, allowing the new sign to be placed in the same location as the existing one, or allowing the new sign to be placed at a location closer to the sidewalk.

Gallagher asked if the proposed is compliant with ordinance requirements with regard to size. Soenksen confirmed this.

Voelliger reiterated that the trees closest to the proposed sign location could be removed as the sign will likely be there longer than the trees. He expressed concern about placing the sign so close to the sidewalk.

Johnson reiterated that any hardship is self-imposed as there are no topographical issues related to the property. She expressed concern about setting a precedent for future applicants who make similar requests because of existing landscaping. Falk concurred, adding that he does not feel that the circumstances are dire enough to justify granting a variance. He stated that while the applicant's other options may be less palatable, they are still reasonable.

Gallagher stated that while the applicant has not established a legitimate hardship to justify granting their request, he is not in favor of imposing a greater hardship on the applicant by requiring that the sign be moved to a location that is code-compliant. He indicated that he would support allowing the new sign to be placed in the same location as the existing one. Falk concurred.

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

On motion by Gallagher, seconded by Falk, that a variance to reduce the required setback for an on-premises identification sign to 10 feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

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

- a. Case 838; 1460 Steamboat Drive (C-7) - Special use permit to allow public auctions, submitted by U.S. Auctioneers.

Soenksen reviewed the staff report. He asked the Board for direction regarding any action staff should take related to the complaint.

Voelliger suggested that the complaint be received and filed and that a letter be sent to the auction company along with a copy of the original decision and order. He requested that city staff monitor the site for several months in order to determine whether there is an actual violation before any official action is taken.

Falk asked if there have been complaints in the past. Connors commented that this is the first complaint that he is aware of during his 16 years with the city. Falk suggested that a letter may serve as enough corrective action to solve the problem.

Falk asked if the new I-74 bridge construction would affect the use because of its proximity to it. Soenksen explained that a portion of the property on which the auctions are held would be part of the Department of Transportation's acquisition. Falk asked when the bridge is scheduled to be built. Connors stated that construction is slated to begin in 2016. Voelliger commented that once the property is purchased by the DOT it is possible that the auctions will not be allowed to continue.

Gallagher stated that he believes that the city has the obligation to investigate the complaint and enforce the conditions of the original special use permit approval. He suggested that the owner of the property be notified of those conditions as well.

Johnson asked for clarification regarding the ownership of the property and whether or not the owner is conducting the auctions. Soenksen explained that Green Bridge Company, the parent company of the Isle of Capri, owns the property. He added that US Auctioneers had requested permission to conduct auctions on the property in 1993.

Johnson asked if it would be possible for the original applicant to request that the Board reconsider the original conditions once they are reminded of them by staff. Soenksen explained that the special use permit process would have to be started over, adding that the applicant is bound by the original conditions until such time as they reapply if they choose to do so.

Soenksen asked for clarification regarding the Board's expectations with regard to the monitoring of the site. Connors offered to have the Code Enforcement Department staff drive by every weekday to monitor the activity. Voelliger asked if staff has a calendar of future auctions. Connors stated that staff is not made aware of those dates. Voelliger suggested that staff include a request to be made of aware of future auctions in the letter that is sent, adding that it seems impractical for city staff to check every day to make sure equipment is not on the site. Johnson commented that US Auctioneers has a website that may indicate the dates of future sales. Falk stated that if the dates of future auctions are known, staff could visit the site shortly before the date that

equipment is allowed to be placed on the site and whether the auction company is in violation of the decision and order. Johnson reiterated that a daily visit by city staff does not seem worthwhile.

Johnson asked if this is the first complaint since 1993. Connors stated that there have been multiple complaints from the same complainant. Gallagher stated that it is impractical to monitor all of the properties for which variances and special use permits have been approved, adding that when staff receives a complaint staff must address it and make a reasonable effort to resolve it. He

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:40 p.m.

These minutes and annexes approved

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John Soenksen  
City Planner



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

May 10, 2012

Staff Report

**Case No. 12-031**

**Location:** 2339 – 53<sup>rd</sup> Avenue

**Applicant:** Ascentra Credit Union

**Zoning Designation:** C-2, Community Shopping District

**Request:** Special use permit to allow a drive-in banking facility.

**Background Information and Facts**

The site is located at the southwest corner of 53<sup>rd</sup> Avenue and 18<sup>th</sup> Street (see Attachment A – Location Map). The applicant would like to build a drive-up banking facility. Banking facilities are allowed in the C-2 District per sections 15.22.3(a) and 15.12.3(a) of the Code. The drive-up component requires a special use permit review and approval by the Board per Section 15.23(5).

**Staff Analysis**

The site plan shows that the project will be located on the corner spanning from 53<sup>rd</sup> Avenue on the north to Falcon Avenue on the south and will be approximately 200 feet wide from east to west (see Attachment B - Site Plan). The site will contain almost 40,000 square feet, meet all setback and parking requirements, and appears to have sufficient vehicular accessibility around the building and throughout the site.

Drive-in banking facilities will be divided into two areas; one on the west side of the building for ATM access, and one on the south side of the building for three drive-up lanes. Vehicles will access the ATM facility from the north and exit to the south. Vehicles will access the drive-up lanes from the west and exit to the east. The separated ATM and drive-up traffic will not conflict with one another. Traffic patterns for the two facilities are shown with the red arrows on the site plan (see Attachment B - Site Plan).

There will be sufficient stacking space for 9 vehicles at the drive-up facility and three vehicles at the ATM facility.

There will be two entrances/exits from Falcon Avenue and one shared entrance/exit from 53<sup>rd</sup> Avenue. The shared access from 53<sup>rd</sup> Avenue is mandated on the original plat (see Attachment C – Plat) and will be sufficiently removed from the busy intersection of 53<sup>rd</sup> Avenue and 18<sup>th</sup> Street.

A similar plan was approved by the Board for this project and site on May 13, 2010 (see Attachment D – Originally Approved Site Plan). The current revised site plan appears to have even better site flexibility and traffic patterns than the original.

If allowed, the building design will resemble the examples in Attachment E – Building Elevations.

The code states that the nine items must be examined by staff and the Board when considering the granting of a special use permit. The following is a list of those items and staff's analysis of each:

- (1) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.

**Section 15.23.5 specifically lists a drive-in banking facility as a special use in the C-2 District.**

- (2) The proposed use will comply with all applicable regulations in the district in which the use is to be located.

**The site development plan will be reviewed by the Bettendorf Planning and Zoning Commission to ensure compliance with all of the applicable regulations at their May 16, 2012 meeting.**

- (3) 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.

**The site development plan review by the Commission will also address these issues.**

- (4) 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.

**There are specific code requirements for each of these items. If the final plan does not meet all of them, it will not be recommended for approval.**

- (5) 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.

**Parking and screening meet ordinance requirements. The "shared access drive" on 53<sup>rd</sup> Avenue is in accordance with the original final plat approved in 1993. There are two plat notes on that final plat that state:**

**"Access to Lot 1 from 53<sup>rd</sup> Avenue shall be from the eastbound lanes only. The driveway shall be centered on the west lot line."**

**"There shall be no access to Lot 1 from 18<sup>th</sup> Street."**

The design of this site plan and related drive-up lanes comply with all of the above requirements. Cars will exit the drive-up as one-way traffic which will increase safety.

- (6) The proposed use will not cause substantial injury to the value of other property in the neighborhood.

A medical center is located on the northwest corner of this intersection, the northeast corner has a convenience store and gas station, and a drive-up banking facility has been approved by the Board of Adjustment for the southeast corner. A dry cleaning establishment and a restaurant are located directly to the south of the proposed banking facility.

It is staff's opinion that this request is similar, compatible, and complementary to existing businesses in this area.

- (7) 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.

**This condition is not applicable as no denial has ever occurred for this request.**

- (8) 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 general intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

**Staff has no further recommended restrictions related to the special use request.**

- (9) The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan.

**The banking facility is consistent with the "commercial" land use designation that has been adopted for this site.**

**Staff Recommendation**

Staff recommends approval of the special use permit.

Respectfully submitted,

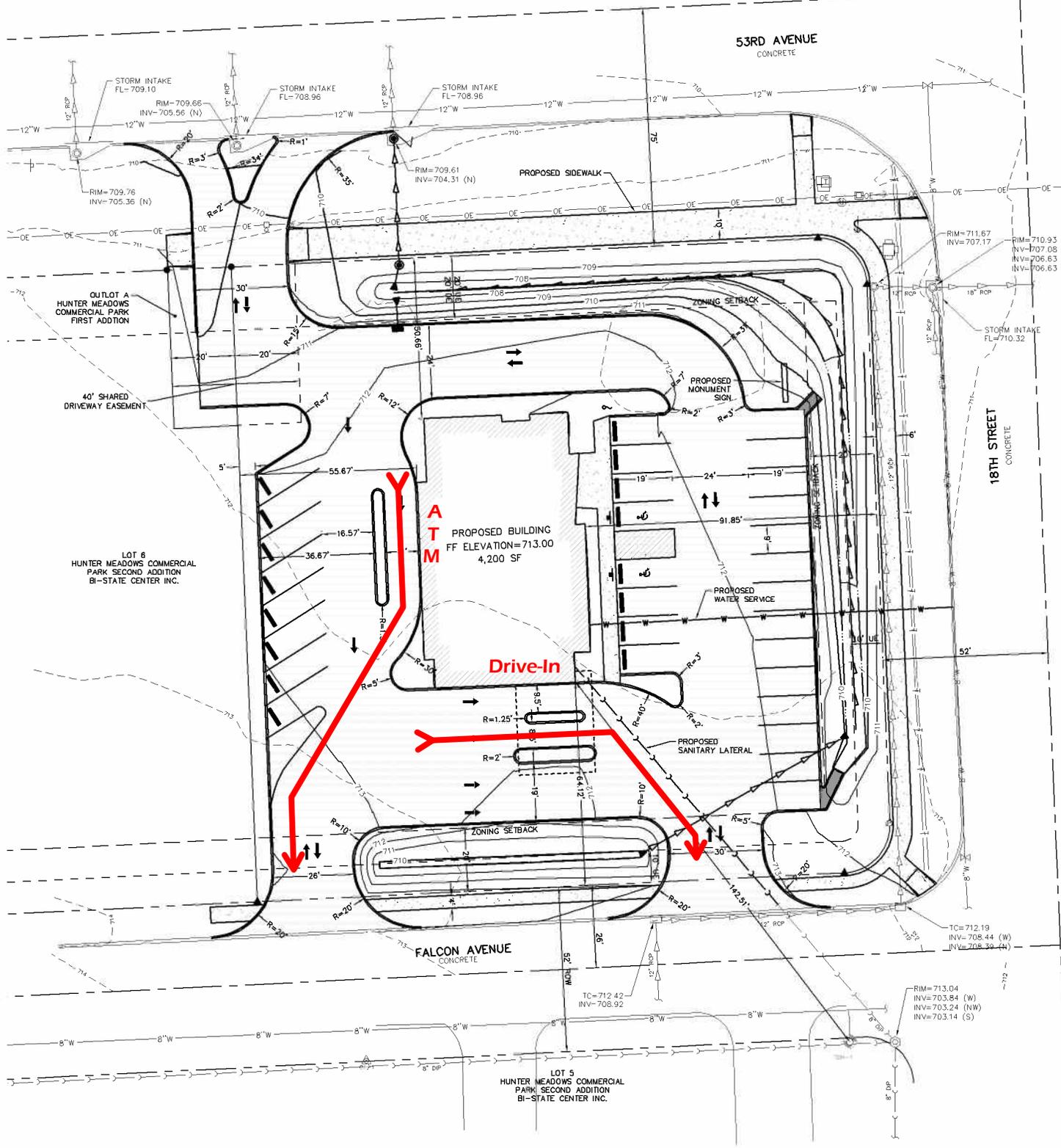
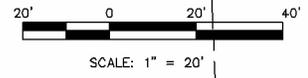
John Soenksen  
City Planner

# Attachment - A

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# Attachment - B



53RD AVENUE

150.00'

N 89°36'45" E 1007.38'

NW. CORNER SE 1/4 SEC. 9-78-4

N 89°36'45" E 220.00'

P.O.B.

DEDICATED TO CITY FOR STREET

OUTLOT A  
949 S.F.

184.90'

20' DRAINAGE & UTILITY EASEMENT

0'00" E  
00'

SHARED DRIVEWAY EASEMENT

40'

100.00'

10' UTILITY EASEMENT

LOT 1

40,859 S.F.

18TH STREET

S 89°36'45" W  
20.00'

N 00°00'00" E 202.00'

200.00'

S 00°00'00" W 267.10'

20' ZONING SETBACK

S 89°36'45" W 185.10'

FALCON AVENUE

S 89°36'45" W 200.00'

DEDICATED TO CITY FOR STREET RIGHT-OF-WAY

S 89°36'45" W 184.90'

131-STATE CENTER

COX

BY:

DATE

IOW

BY:

DATE

PL

BY:

DATE



# Reflection



Case No. 12-031

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

**Part 1. Property Involved.**

Street Address SW Corner of 18th Street and 53rd Avenue 2339-53rd AV  
Legal Description of the property. Lot 1 of Hunter Meadows Commercial Park First Addition

**Part 2.**

Applicant Name Joe Minorik, LaMacchia Group, LLC Phone 563-459-6950 414.727.4380  
Address 157 N. Milwaukee Street, Milwaukee, WI 53202 FAX 563-355-5536 414.223.4400.

Owner Name Ascentra Credit Union (Paul Lensmeyer) Phone ↓  
Address 1710 Grant Street, Bettendorf, IA 52722 FAX ↓

Agent Joe Minorik, LaMacchia Group, LLC Phone 414-727-4380  
Address 157 N. Milwaukee Street, Milwaukee, WI 53202 FAX 414-223-4400

Send also to: jasonh@missman.com

**Part 3. This application is for the following: (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) 344-4083

May 10, 2012

Staff Report

**Case No. 12-032**

**Location:** 3462 Maple Glen Drive

**Applicant:** Tom Stopulos

**Zoning Designation:** R-4, Multi-family Residence District

**Request:** Variance to reduce the required rear yard setback from 25 feet to 16 feet.

**Background Information and Facts**

The site is located in the condominium development just north of the intersection of Maplecrest Road and Devils Glen Road (see Attachment A – Location Map). The subdivision involved consists of duplex condominiums (see Attachment B – Property Photo). The applicant would like to construct a 16-foot by 20-foot deck on the rear of his unit which would reduce the rear yard setback from the required 25 feet to 16 feet (see Attachment C – Plot Plan).

**Staff Analysis**

It appears as though all structures in the subdivision have similar setbacks from all boundaries (see Attachment D – Separation Illustration). The only visual variations appear to be patios and landscaping, and neither of those items are considered structures and are therefore not intrusions into required setbacks.

The 50-foot separation (double 25-foot rear yard setbacks) between buildings shown on Attachment D is unusually close for residential structures throughout the city, even for condominium developments. Another condominium development (Century Heights Thirteenth Addition) has combined rear yard separations of 70 to 90 feet (see Attachment E – Century Heights Illustration). A common single-family development in one of the older areas of the city (Camden Downs) in the 2900 block of Dundee Lane has combined rear yard separations averaging 80 to 90 feet (see Attachment F – Camden Downs Illustration). These areas would be more conducive to supporting a deck protruding 20 feet into the rear yard than does the applicant's site with only 50 feet separating the rear of buildings.

The applicant's site does not appear to have any topographical or geographical issues to constitute a hardship related to this request. The only variance granted for this entire development was for a setback issue related to the association's subdivision sign.

The applicant has received a letter of approval from the Maple Glen Homeowners Association for the proposed deck.

The application states that the reason for this request is because one of the occupants has a debilitating disease and “has limited mobility and the deck would allow an extension of living space to the outdoors that would add to the quality of life in a variety of ways”. This is further explained in the letter attached to the application for this report. The homeowner’s association “letter of support” is also attached to the application for this report.

**Staff Recommendation**

Staff did not identify a hardship per the above analysis.

Respectfully submitted,

John Soenksen  
City Planner

# Attachment - A



MAPLE GLEN CT

**SITE**

**HyVee**

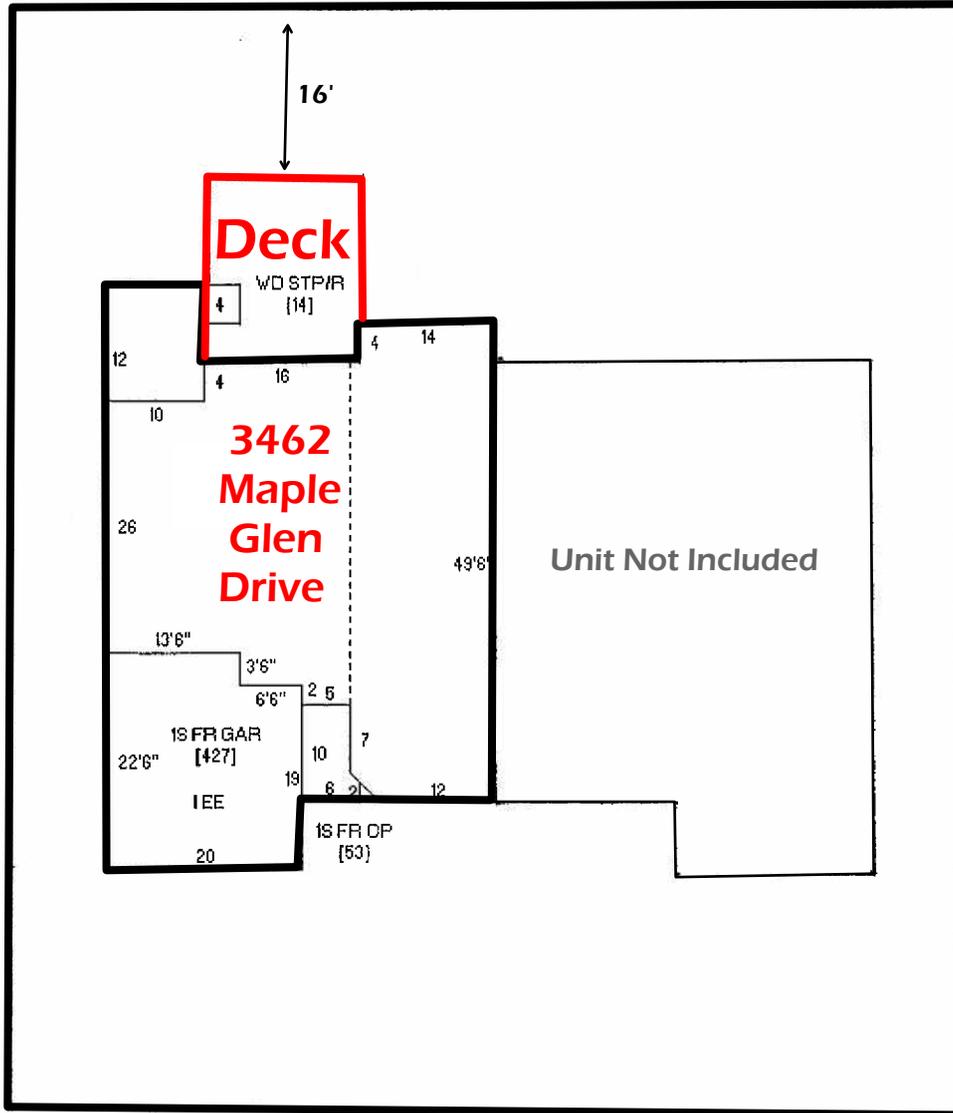
MIDDLE RD

MIDDLE RD BIKE PATH

# Attachment - B



# Attachment - C



**Attachment - D**

MAPLE GLEN DR

50 feet



# Attachment - E



56TH AVENUE CT

RED FOX RD

55TH AVE

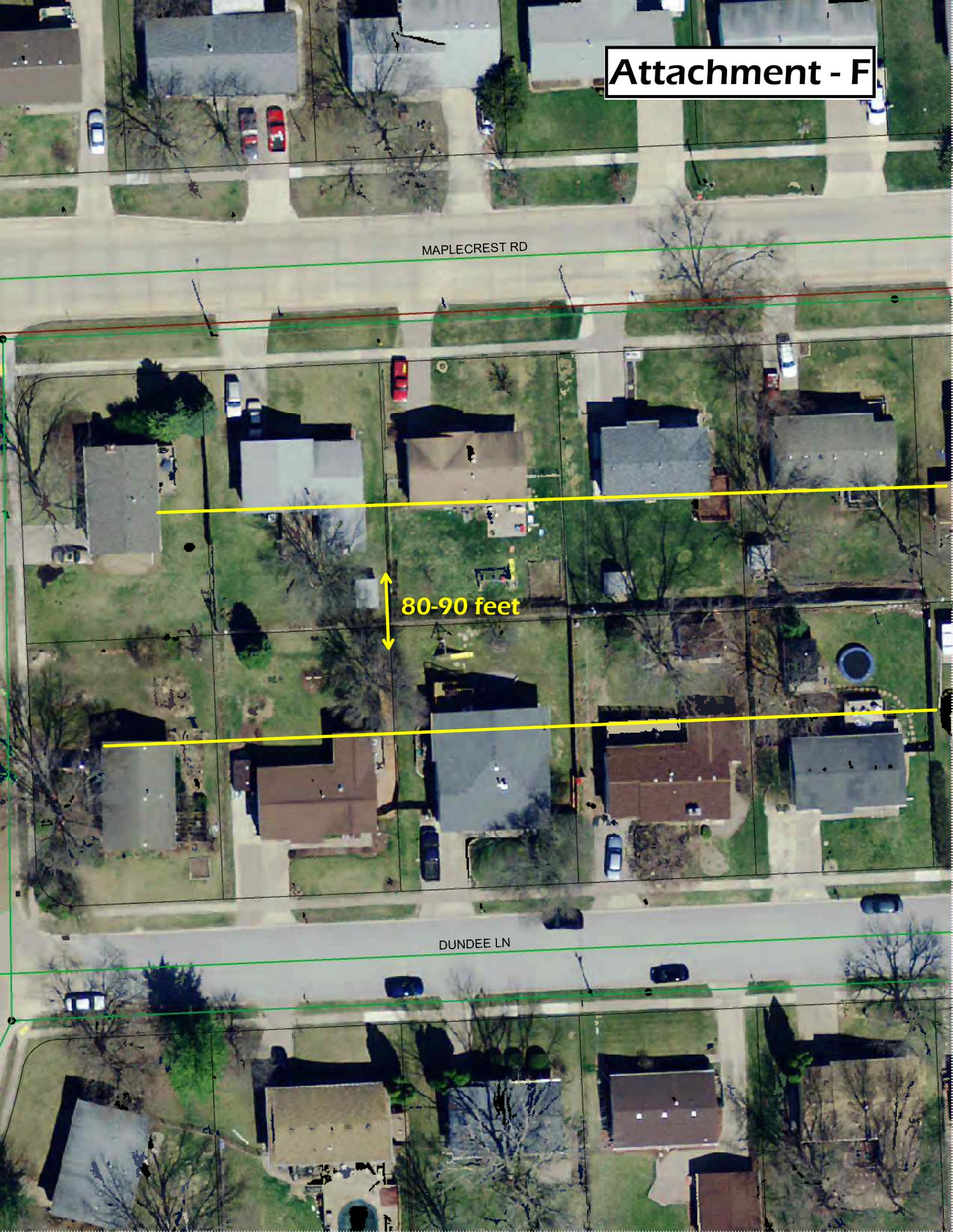
70-90 feet

# Attachment - F

MAPLECREST RD

80-90 feet

DUNDEE LN





Case No. 12-032

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

Part 1. Property Involved.

Street Address 3462 MAPLE GLEN DRIVE, BETTENDORF IA

Legal Description of the property.

LDB Maple Glen Second Add

Part 2. Contact Information.

Applicant Name TOM STAPULAS (CINDY) Phone 563 529-4312

Address 3462 MAPLE GLEN DR FAX \_\_\_\_\_

E-mail Address: TSTAP3@MCHSI.COM

Owner Name -SAME- Phone \_\_\_\_\_

Address \_\_\_\_\_ FAX \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Agent FOLEY CONTRACTING LLC Phone 563 570-6905

Address FOLEY CONTRACTING@GMAIL.COM FAX 514-2309

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 ATTACHE LETTER (S)

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 April, 2012.

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 27th day of April, 2012.

[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 [Signature]  
Amount \$50. Date 4/27/12

April 27,2012

**City of Bettendorf**  
John Soenksen  
4403 Devils Glen Rd  
Bettendorf, IA 52722  
City Planner

cc City of Bettendorf Board of Adjustments

Hello John,

My Wife Cindy and I are proposing a 16' W x 20' L deck at our condo 3462 Maple Glen Drive, our residence. The 20' extension heads North towards the rear yard setback, which exceeds 9' of the required 25 ft. We are requesting for a variance of 9'. Please note that several of the properties/neighbors in our condo association <sup>are</sup> exceeding this setback allowance. We are asking for your support in this addition to our condo. We are confident this is a reasonable request and ask for your exception and approvals to proceed.

Considerations:

- My wife has Multiple Sclerosis with limited mobility and this extension to our living space would add to the quality of her life in a variety of ways.
- We have already sought and received approvals for this deck construction as proposed from The Maple Glen Homeowners Association ( see attached)
- We have contacted with Foley Contracting LLC, fully licensed and bonded for this project.

If there is anything further you may need or request for your review, please advice and we will do everything we can to be of assistance.

Thanks you for your consideration and courtesies.

Best regards,



Tom Stopulos



Cindy Stopulos

Wed, Apr 18, 2012

Tom & Cindy Stopulos  
3462 Maple Glen Drive  
Bettendorf, Iowa 52722

Dear Tom and Cindy,

The MGHA Board met on Tuesday, April 17. We reviewed your deck plans and found them to conform with the MGHA Rules and Regulations.

Thank you for providing the diagram and submitting it to us.

Good luck with the construction and enjoy your new deck.

Sincerely yours,



Maple Glen Homeowners Board  
Vivian Norton, Board Secretary