

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

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

1. Roll Call: Falk _____, Gallagher _____, Johnson _____, Spranger _____, Voelliger _____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of June 14, 2012.
4. The Board to hold a public hearing on the following items:
 - a. Case 12-039; 2701 Devils Glen Road (C-2) - A request for a variance to allow an 8-foot high fence, submitted by Scott Rubins.
 - b. Case 12-041; 1460 Isle Parkway (C-7) - A request for modification of an existing special use permit to allow auctions, submitted by U.S. Auctioneers.
 - c. Case 12-042; 3656 Moencks Road (A-2) - A request for a variance to increase the allowable square footage of a garage from 720 square feet to 1860 square feet to allow construction of a 36-foot by 30-foot garage (barn), submitted by Kyle Howard.
 - d. Case 12-044; 2312 Spruce Hills Drive (C-2) - A request for a special use permit to allow a drive-up window, submitted by TM & ACZ, Inc.

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
JUNE 14, 2012
5:00 P.M.**

Voelliger 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 May 10, 2012.

On motion by Gallagher, seconded by Falk, that the minutes of the meeting of May 10, 2012 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 12-037; 4021 Greenbrier Drive (R-2) - A request for a variance to reduce the required front yard setback from 25 feet to 17 feet to allow construction of a deck, submitted by Douglas Larson.

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.

Robin Larson, representing the applicant, explained that the current porch does not have any handrails and that the proposed deck and railing would facilitate entry to the house. She indicated that expanding the entrance to her home would allow enough room to bring large items into the house. She added that her husband had spoken with many of their neighbors, none of whom expressed any objection.

Falk asked if the steps to the proposed deck would lead directly to the existing sidewalk. Larson confirmed this.

Voelliger mentioned that while he can recall one request for a variance for a deck on Echodale Drive was denied, many of the homes in the current applicant's neighborhood have similar decks.

Falk asked if staff would be making a recommendation for or against the request. Soenksen explained that typically staff does not make a recommendation regarding requests for variance requests, just for special use permit requests. He indicated that the applicant feels that the fact that the size and configuration of the lot prohibit any type of construction is a legitimate hardship.

Voelliger commented that the deck request for Echodale Drive had been denied because of its excessive size. Soenksen stated that he does not recall a request for a variance for a deck as small as the current applicant's proposed one.

A brief discussion was held regarding Code changes over the years and differences in staff's interpretation of the Code which have affected whether or not a variance request has been deemed necessary for a deck to encroach into a required setback.

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 front yard setback from 25 feet to 17 feet to allow construction of a deck be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:15 p.m.

These minutes and annexes approved

John Soenksen
City Planner



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

July 12, 2012

Staff Report

Case No. 12-039

Location: 2701 Devils Glen Road

Applicant: Scott Rubins

Zoning Designation: C-2, Community Shopping District

Request: Variance to allow an 8-foot high fence.

Background Information and Facts

The site in question is the former Eagle Food Grocery Store site at the intersection of Devils Glen Road and Middle Road (see Attachment A – Location Map). The Code allows a maximum 6-foot height for a fence, and the applicant would like to have an 8-foot high fence for security purposes.

Staff Analysis

The building will soon house an off-site electronic data storage facility operated by Geneseo Communications which requires very high security for the multiple clients who will be storing sensitive data there. The applicant has years of experience in the data storage business and feels that the allowed 6-foot high fence is insufficient from a security standpoint. If approved, the fence would only surround the rear and side driveway areas on the south and east sides of the building and would not have a visual presence toward either Devils Glen Road or Middle Road (see Attachment B – Plot Plan).

To minimize any adverse aesthetic impact on surrounding neighbors, the applicant has chosen an expensive wrought iron material for the fence (see Attachment C – Fence Illustration). An actual schematic of the proposed fence is shown on Attachment D.

Staff Recommendation

The single predominant issue regarding this type of data storage facility is security. Without the assurance of the highest level of security, it would be improbable that customers would choose to store sensitive data at this location. Staff feels that the applicant has chosen a fencing plan that will accomplish the security needed for potential clients while not adversely impacting the surrounding areas. Staff feels that the applicant has demonstrated a hardship for this specific request as implemented on the Plot Plan, Attachment B.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A

Hy-Vee

DEVILS GLEN RD

MIDDLE DR

MIDDLE RD BIKE PATH

MIDDLE RD

Walgreens

SITE

HOLIDAY CT



Attachment - B



Gate

Gate

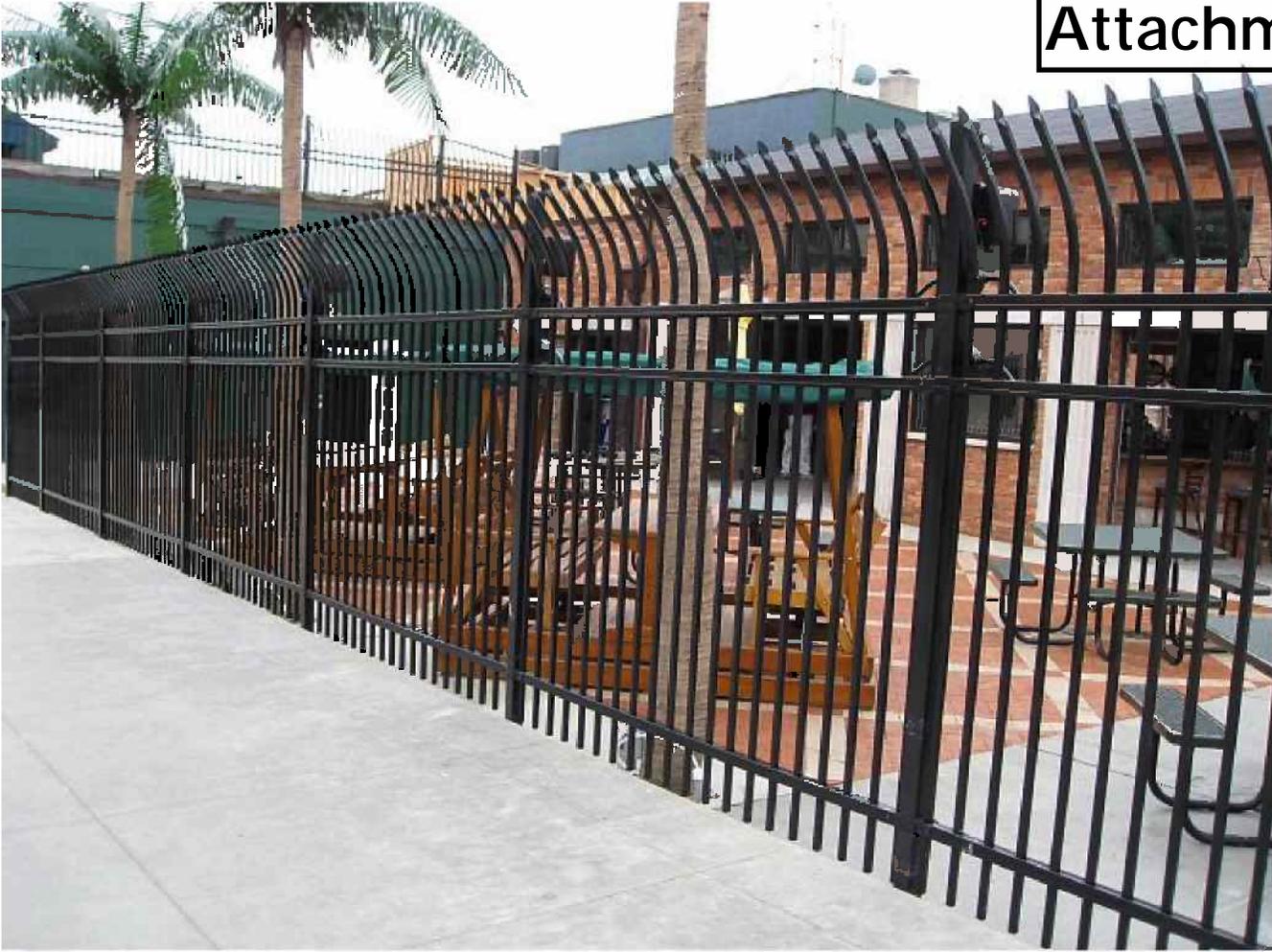
FENCE

DEVILS GLEN RD

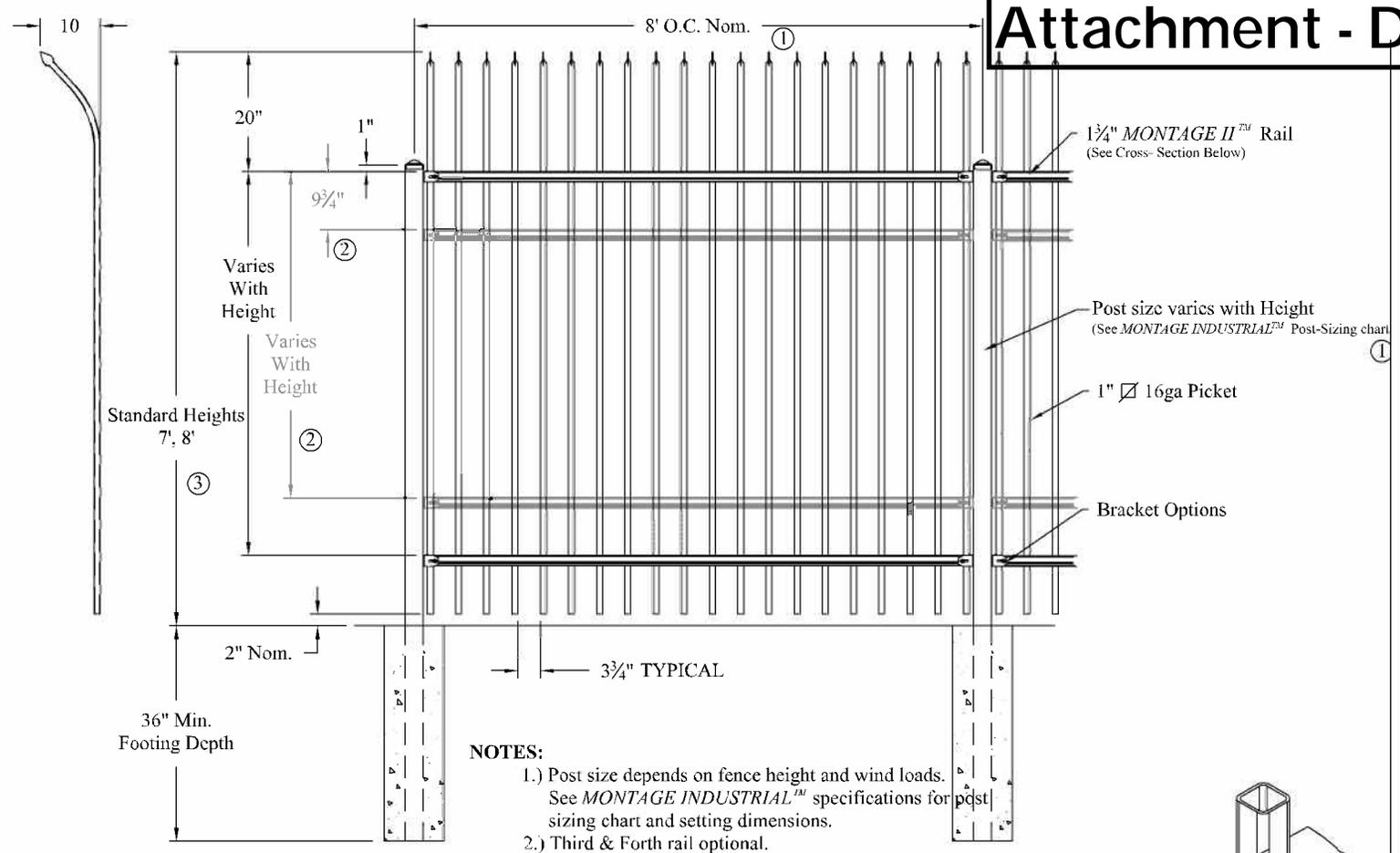
MIDDLE RD

MIDDLE RD BIKE PATH

Attachment - C

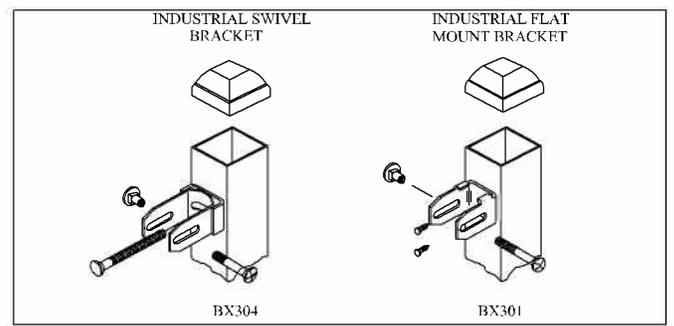
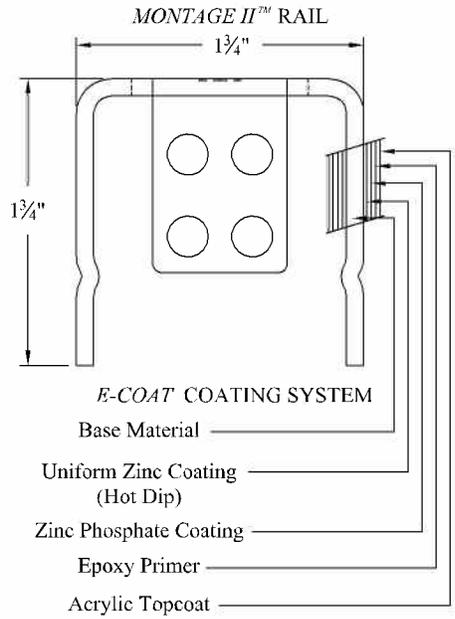
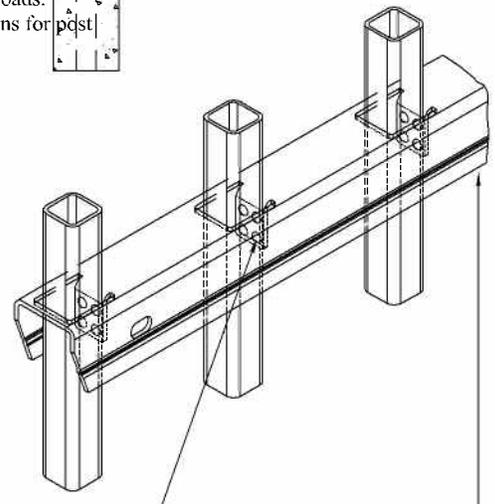


Attachment - D



NOTES:

- 1.) Post size depends on fence height and wind loads. See MONTAGE INDUSTRIAL™ specifications for post sizing chart and setting dimensions.
- 2.) Third & Forth rail optional.
- 3.) Available in Flush Bottom.



Values shown are nominal and not to be used for installation purposes. See product specification for installation requirements.

HEAVY INDUSTRIAL STRENGTH WELDED STEEL PANEL PRE-ASSEMBLED

Title: MONTAGE INDUSTRIAL INVINCIBLE 2/3/4-RAIL			
DR: CI	SH . 1 of 1	SCALE: DO NOT SCALE	
CK: ME	Date 6/28/10	REV: b	



AMERISTAR®

1555 N. Mingo
Tulsa, OK 74116
1-888-333-3422
www.ameristarfence.com



Case No. 12-039

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

Part 1. Property Involved.

Street Address 2701 Devils Glen Road, Bettendorf, Iowa 52722

Legal Description of the property. Lot 3 of Tunberg's 2nd Addition, Bettendorf, Iowa, being a Replat of Tunberg's 1st Addition and being a part of the Northeast Quarter of Section 22, Township 78 North, Range 4 East of the 5th P.M., in the City of Bettendorf, Scott County, Iowa; Together with rights in and to 24 foot easement for ingress and egress over Lot 2 of said Tunberg's 2nd Addition, as Amended by First Amendment to Declaration of Covenants, Easements and Restrictions recorded as Document No. 2000-27867.

Part 2. Contact Information.

Applicant Name Scott Rubins Phone 309-944-8002
Address 111 East First St, Geneseo, IL 61254 FAX 309-944-4406
E-mail Address: telco@geneseo.net

Owner Name GENESEO COMMUNICATIONS, INC Phone 309-944-8002
Address 2701 DEVILS GLEN ROAD, BETTENDORF FAX _____
E-mail Address: TELCO@GENESEO.NET

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.

Appendix B Section 18.30

Proposed Zoning C-3

Section(s) of Zoning Ordinance Involved Permit Obstructions Existing Zoning C-2
in required yards

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.

A data center is a 24/7/365-day a year operation and minimizing intentional damage and interruptions by those not invited is paramount to its successful operation. The site and building structure is known to allow easy access as evidence by graffiti on its rooftop. A 10 foot high fence will bring needed security and safety to critical data center operations and sensitive exterior equipment which a 6 foot high fence cannot provide.

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 19 day of March, 20 12.

Signature of Applicant Benedict Communications Inc by [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 ILLINOIS)
Iowa) SS
County of Scott)
HEWAT)

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 8 day of JUNE, 20 12.

Brenda K Crider
Notary Public in and for Scott County, Iowa
HEWAT - ILLINOIS

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

Received by [Signature]
Amount \$100 Date 6/13/12





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

July 12, 2012

Staff Report

Case No. 12-041

Location: 1460 Isle Parkway

Applicant: U.S. Auctioneers

Zoning Designation: C-7, Public Gathering and Recreational Activity District

Request: Modification of an existing special use permit to allow auctions.

Background Information and Facts

In May of 1993 the Board approved a special use permit allowing U.S. Auctioneers to hold periodic auctions at the Isle of Capri site (Lots 1 and 2 of Steamboat Landing 1st Addition) (see Attachment A – Location Map). The auctions were limited to sale of semi-trucks and trailers only. In April of this year the Board discussed a complaint about the auctions and instructed staff to monitor the site to ensure that the conditions listed on the original Decision and Order were being followed. The Board noted that the auctions have been held for nearly 19 years without any complaints and that there was no need to take any action other than monitoring the sales.

In June of this year, staff again responded to a report that an auction was taking place that did not meet the conditions listed on the original Decision and Order. Staff observed that the items being sold at the auction were mostly semi-tractors and trailers; however, a small number of other items were also for sale (see Attachment B – Auction Photos). At that point staff sent U.S. Auctioneers a letter advising of the discrepancy and further that future auctions must strictly comply with the Decision and Order.

After receiving the warning letter, U.S. Auctioneers contacted staff and openly admitted that they have always has some ancillary items included in their auctions and were not aware that they were violating any rules or orders. Staff has researched aerial photos dating back several years and found that the information U.S Auctioneers provided was indeed correct and that the ancillary items have been included at previous auctions without incident or complaints in the past (see Attachment C – Aerial Photo). The aerial photos and staff observations also show that the vast majority of the auctions involved semi-trucks and trailers and many of the ancillary items are commercial type vehicles with very few exceptions (boats, lawn equipment, and passenger vehicles).

U.S. Auctioneers is now asking the Board to modify the original Decision and Order to allow the ancillary items that have always been part of the past auctions.

Staff Analysis

Due to their size and configuration the semi-trucks and trailers comprise the largest portion of items for sale. The semi-trucks and trailers are considered by staff to be the most "intensive" part of the authorized auctions from an aesthetic perspective. The ancillary items are much smaller and therefore have a less intense impact on surrounding properties. It is staff's opinion that either the inclusion or exclusion of these items will have no impact on the intensity of the use of the site for auctions. Staff further feels that the fact that these auctions have been occurring on this site for 19 years without a single complaint until last April is indication that they are having no adverse impact on surrounding properties.

Based on the above analysis, staff feels that the "findings of facts" on the original Decision and Order (attached to this report) have not changed with any significance and recommends approval of the request to modify the original order to allow items other than semi-trucks and trailers in future auctions as long as those other items are less intensive and fewer in number than the semi-trucks and trailers.

Respectfully submitted,

John Soenksen
City Planner

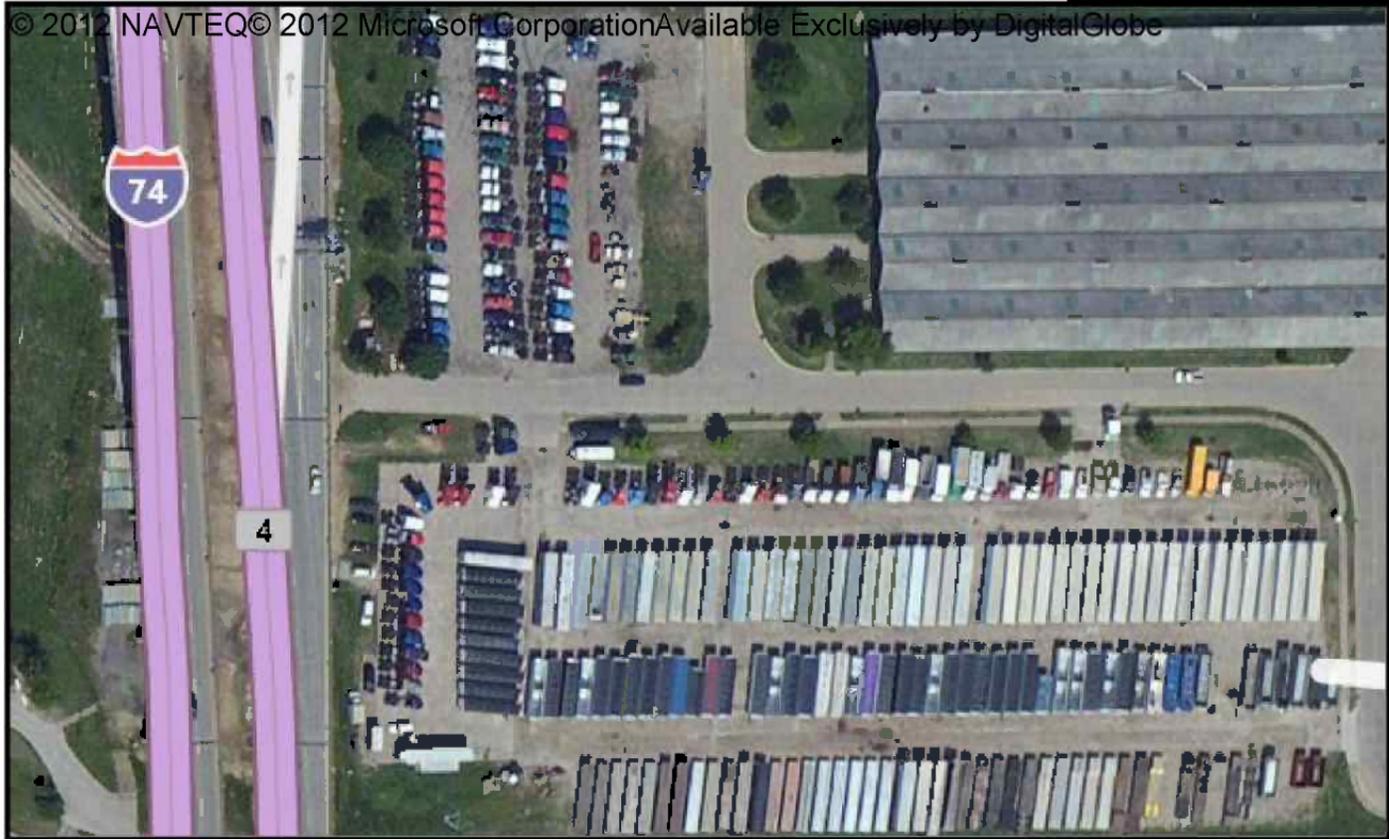
Attachment - A



Attachment - B



Attachment - C



CITY OF BETTENDORF, IOWA
Zoning Board of Adjustment

On the matter of a proposed * Case No. 838
Special Use to allow public auctions* Decision and Order
on property located at 1460 *
Steamboat Drive, submitted by U.S. *
Auctioneers, Inc. *

Facts:

The applicant, U.S. Auctioneers, is requesting a special use to allow public auctions on property located at 1460 Steamboat Drive commonly known as Steamboat Landing. The applicant proposes to use the property for public auctions of trucks and trailers. The auctions would be held periodically, no more than 10 times per year. For approximately 5 days prior to an auction, 200 truck tractors and trailers and accessory equipment would be displayed for public inspection. The trucks and trailers would be displayed on the southwest parking lot and the accessory equipment within the covered parking lot. On the sixth day the auction would be held, and on the seventh day all merchandise removed. The applicant had held 3 auctions prior to city notification of the special use requirement. A 4th one is scheduled for the day of the field visit. No further auctions will be allowed without Board of Adjustment approval.

The property is zoned C-7, Public Gathering and Recreational Activity District. The district is intended to "provide areas for large public gatherings having high volumes of traffic, noise, and disruption potential" and "are expected to have large groups of people for relatively short periods of time." (15.7 Public Gathering and Recreational Activity District) The applicant's proposed special use of auctions is not a listed permitted or special use within the C-7 district. Staff does feel that it is similar and compatible to several listed permitted uses including:

- 1. Fairgrounds such as amusement rides, games, arcades, cattle and livestock exhibition.
- 2. Exhibition centers containing exhibition halls and meeting and outdoor display areas, (retail sales space, restaurants with lounge, recreational activities, etc.)

Findings and Decision:

Be It Resolved By The Board Of Adjustment of the City of Bettendorf, Iowa; that the following Findings Of Fact are made:

Findings Of Fact:

- (1) That the proposed use is similar and compatible with the permitted uses in the C-7 district in which it is located including:
 - 1. Fairgrounds such as amusement rides, games, arcades, cattle and livestock exhibition.
 - 2. Exhibition centers containing exhibition halls and meeting and outdoor display areas, (retail sales space, restaurants with lounge, recreational activities, etc.)
- (2) That the proposed use will comply with all applicable regulations in the C-7 district in which it is located including paving and landscaping of parking lots and display areas.
- (3) That 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.
- (4) That 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.

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

Therefore, Be It Resolved By The Zoning Board Of Adjustment for the City of Bettendorf, Iowa, that a Special Use to allow public auctions for property located at 1460 Steamboat Drive and legally described as lots 1 and 2 of Steamboat Landing, is hereby approved, subject to the following conditions:

1. Auctions be limited to no more than 10 per calendar year.
2. That the auction merchandise and sales equipment not be stored or displayed on the property for more than 8 consecutive days for any auction.
3. That no other merchandise, equipment, or material of any kind be stored or displayed outside except within a completely enclosed structure.
4. That the auction merchandise and sales equipment be removed within 48 hours of the end of the auction.

Done this 20th day of May, 1993.


Thomas L. Stelk, Chairman
Board of Adjustment

PJM

Case No. 12-041

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

Part 1. Property Involved.

Street Address 1460 Isle Parkway
Legal Description of the property. Lots Land 2 of Steamboat Landing

Part 2.

Applicant Name U.S. Auctioneers, Inc. Phone 563-332-5444
Address P.O. Box 5444, Rock Island, IL 61204 FAX 563-332-0033

Owner Name Richard Phelps Phone 563-332-5444
Address P.O. Box 5444, Rock Island, IL 61204 FAX 563-332-0033

Agent _____ Phone _____
Address _____ FAX _____

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.)



Request to amend original order: US Auctioneers has conducted auctions on this property for 20 years. While the large majority of the equipment that we sell is trucks and trailers, we do have the occasion to sell other motorized vehicles and equipment including, but not limited to, cars, pick ups, lawn mowers, construction equipment, boats and other recreational vehicles, farm tractors, etc. These items have always been a part of our auctions on the property over the past 20 years. Since we have never received any complaints about selling these items, we have been unaware that they were not included in the original order. Therefore we are requesting to amend the original order in order for us to be in compliance.



COMMUNITY DEVELOPMENT

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

July 12, 2012

Staff Report

Case No. 12-042

Location: 3656 Moencks Road

Applicant: Kyle Howard

Zoning Designation: A-2, Rural Residence District

Request: Variance to increase the allowable square footage of a garage from 720 square feet to 1860 square feet to allow construction of a 36-foot by 30-foot garage (barn).

Background Information and Facts

The site is located on the west side of Moencks Road between Crow Creek Road and Valley Drive (see Attachment A – Location Map). The applicant would like to replace a detached 324 square foot garage with a new 1,080 square foot structure (garage/barn).

Staff Analysis

The structure to be replaced was built in 1920. Staff understands the applicant's desire to replace this structure which has fallen into disrepair. Due to the age of the structure, it is not prudent to attempt to make repairs to it. The applicant also has a 780 square foot attached garage. If allowed, the request would be 1½ times the allowable garage space specified in the Code.

Section 13.2 of the Code states that "district is intended to provide for single-family residential development on lot sizes adequate to allow individual wells and sewage disposal systems and to create an environment of rural type homes on larger lots than required in the urban type residential areas." Obviously oversized garage structures, pole buildings, and/or barns are not encouraged in urban settings; however, they have an appropriate fit in rural settings according to Section 13.2. The site is one acre in size or approximately four to five times the lot sizes of the urban R-1 and R-2 Single-family Residence Districts. From the applicant's perspective, imposing the strict application of the 720 square foot restriction on this large rural type setting poses a hardship. The application states that the proposed barn would house "yard equipment, tools, a 12-foot enclosed trailer, a garden tractor, a lawn thatcher, a Massey Ferguson tractor, and numerous other similar type items." The applicant contends that this request meets the intent of Section 13.2 which is to "create an environment of rural type homes". The applicant further contends that the above listed equipment is necessary to maintain the large rural type property.

The applicant is asking the Board to accept the above analysis as a hardship for this specific request. If the Board does not accept the above as a hardship, then staff cannot cite any other hardship for this request.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE

CLEMONS

JENNY LN

MOENCKS RD

NORTH ST

SHORT ST

LITTLE LN

WOODHOLM LN

Attachment - B



JENNY LN

MOENCKS RD

NORTH ST

36'

30'



Case No. 12-042

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

Part 1. Property Involved.

Street Address 3656 MOENCKS RD.

Legal Description of the property. ~~SINGLE FAMILY DWELLING A2 zoning~~
Lot 4 Bailey's 1st Addition

Part 2. Contact Information.

Applicant Name KYLE HOWARD Phone (563) 320-1997
Address 3656 MOENCKS RD. FAX _____
E-mail Address: howardkm06@gmail.com

Owner Name SAME 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 A2 Existing Zoning A2

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.

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 28th day of JUNE, 20 12.

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 28th day of June, 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 [Signature]
Amount 50.00 Date 6/28/12

The proposed buiding would replace an existing barn that was built in the 1920's. I would like to build a 30' x 36' barn in its place. It would be used for the storage of yard equipment, tools, and one 12ft enclosed trailer that as of now sits outside. The yard equipment stored would include: garden tractor and trailor, lawn sweep, broadcast spreader, lawn aerator, lawn thatcher, Massey Ferguson tractor with brush mower, (prarie grass maint.) push mower, chain saws, leaf blower, and weed trimmer. The barn that is currently there is in bad shape and needs to be replaced. I currently keep my lawn equipment in the barn which is full without my trailer; which I use for tool storage now and it is kept outside. The city ordinance uses the square footage of the owner's house to determine the allowable storage area. It does not take into account the size of the property. I currently have a small house so I am only allowed minimal storage area; however, my yard is sizeable and requires equipment for maintnance and up-keep. My purposed building would not disrupt any adjacent properties and will actually be slightly further onto my property than the existing one.



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

July 12, 2012

Staff Report

Case No. 12-043

Location: 2312 Spruce Hills Drive

Applicant: TM & ACZ, Inc.

Zoning Designation: C-2, Community Shopping District

Request: Special use permit to allow a drive-up window.

Background Information and Facts

The site involved is the former Fazoli's restaurant at Cumberland Square Shopping Center (see Attachment A – Location Map). The applicant would like to renovate the existing building into a new Culver's restaurant. The restaurant will have a drive-up window which requires Board approval of a special use permit.

Staff Analysis

In May of 1996 the Board approved a special use for Fazoli's to have a drive-up window on the north side of the building; the current applicant also wishes to have a drive-up window on the north side of the building (see Attachment B – Site Plan). The plan allows for 6 vehicles to stack at the drive-up window and an additional 5 vehicles to stack west of the drive-up for vehicles awaiting preparation of their orders. This proposed scenario is almost identical to the current configuration at the Culver's restaurant north of the intersection of East 53rd Street and Jersey Ridge Road in Davenport. Staff has observed the Davenport location, and the design appears to work effectively.

All of the aspects of the drive-up window are separated from the other businesses in the Cumberland Square Shopping Center, and the design for the restaurant and related traffic patterns will not interfere with any other businesses in the area.

Access to the restaurant will be available by entrances/exits at:

- The driveway between Valley Bank and the new restaurant.
- The main driveway entrance to the shopping center off of Spruce Hills Drive.
- Two driveways off of 18th Street; one closest to Valley Bank, the other closest to Mel Foster Co.

A sufficient number of parking spaces are available to allow adequate parking for dine-in patrons and those entering the facility for carry-out service.

When finished, the building renovations will appear as shown on Attachment C – Elevations.

Fazoli's operated for years at this site with a very similar setup without complaints or conflicts with any of the surrounding businesses.

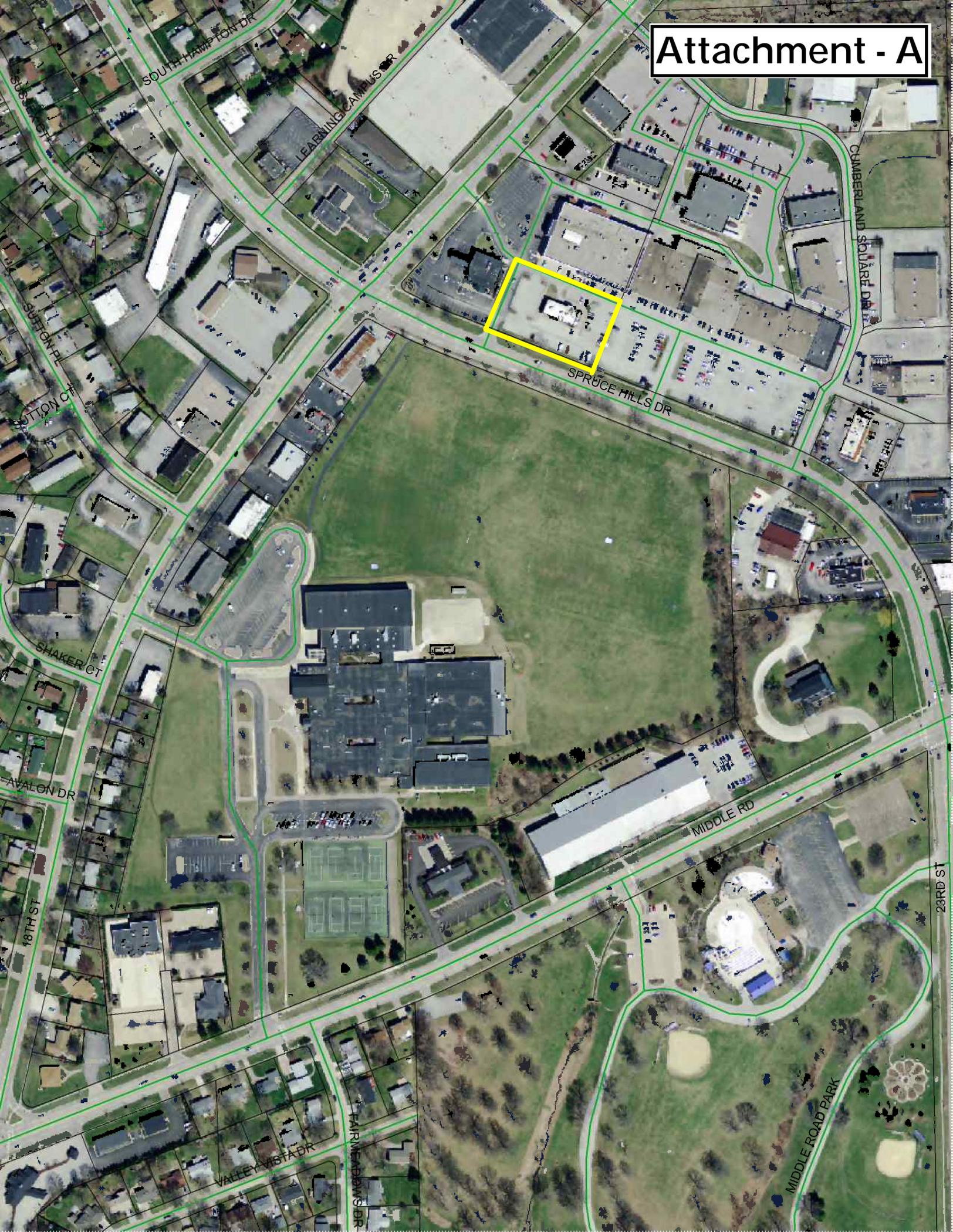
Staff Recommendation

Staff feels that the request meets or exceeds all of the criteria necessary for recommendation for approval of this special use request.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SOUTH HAMPTON DR

LEARNING CAMPUS DR

CUMBERLAND SQUARE DR

SPRUCE HILLS DR

MIDDLE RD

SHAKER CT

AVALON DR

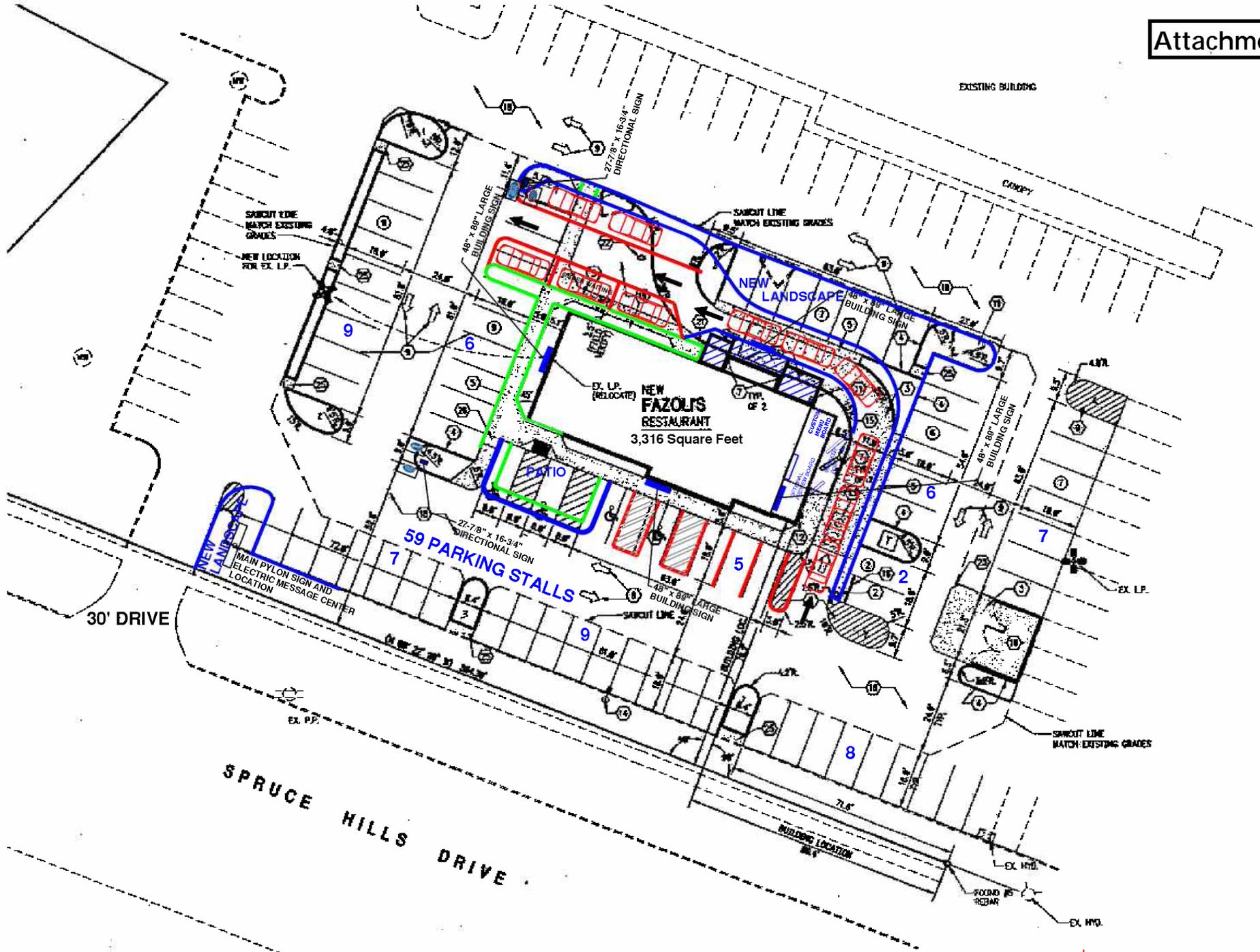
18TH ST

VALLEY VISTA DR

FAIRMeadows DR

23RD ST

MIDDLE ROAD PARK

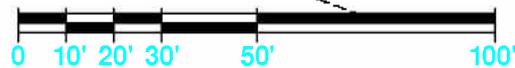


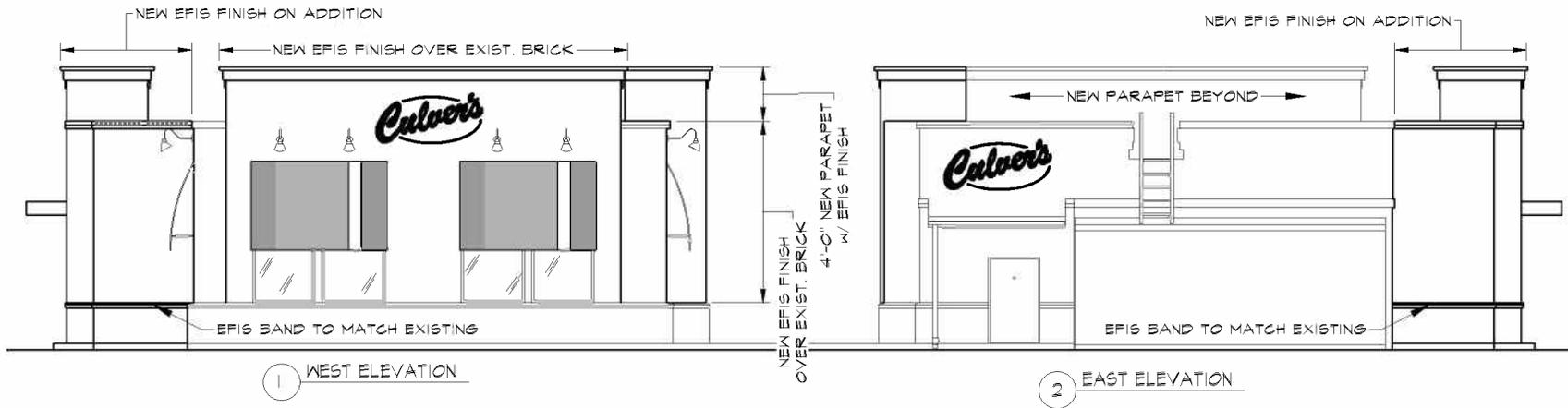
**PROPOSED CULVER'S RESTAURANT
BETTENDORF, IA. PLAN EXISTING BLDG. SHOWN**

LOT AREA APPROX. 41,706 SQ. FT. SCHEME 3

SPH 06/22/12

MIKE JONES
SCOTT DAVIS
MITCH PENCIL





Case No. 12-043

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

Part 1. Property Involved.

Street Address 2012 SPRUCE HILLS

Legal Description of the property. ~~FAJOLIS BLVD~~

Lot 1, Spruce Hills Corner 1st Add

Part 2. Contact Information.

Applicant Name TM: ACZ, Inc. Phone 563355 4474

Address dba Culvers of Bettendorf FAX 563 355 4609

E-mail Address: cajols3@mac.com

Owner Name Scott Davis Phone 5632120554

Address 28030 238TH ST LeClaire, IA 527 FAX 563-355 4009

E-mail Address: _____

Agent _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

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

\$100
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\$100
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