

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
NOVEMBER 8, 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 September 13, 2012.
4. The Board to hold a public hearing on the following items:
 - a. Case 12-062; 3449 Moencks Road (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Christopher and Janessa Ormsby.
 - b. Case 12-063; 3333 - 18th Street (R-1) - A request for a variance to reduce the required setback from 15 feet to 3 feet for two on-premises identification signs, submitted by Lange Sign Group.
 - c. Case 12-064; 2140 Devils Glen Road (R-2) - A request for a variance to increase the allowable garage area from 720 square feet to 1808 square feet, submitted by Chuck Mausser.

The following are minutes of the Bettendorf Board of Adjustment and are a synopsis of the discussion that took place at this meeting and as such may not include the entirety of each statement made. The minutes of each meeting do not become official until approved at the next board meeting.

**MINUTES
BETTENDORF BOARD OF ADJUSTMENT
SEPTEMBER 13, 2012
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Gallagher, Johnson, Spranger, 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 August 9, 2012.

On motion by Falk, seconded by Spranger, that the minutes of the meeting of August 9, 2012 be approved as submitted.

ALL AYES

Motion carried.

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

- b. Case 12-052; 2211 Grant Street (C-2) - A request for a variance to reduce the required setback for an on-premises identification sign from 15 feet to 3 feet, submitted by David Howard.

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. He indicated that after he had explained the request in detail to the adjacent business owner, she had expressed support.

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

David Howard, the applicant, explained that because of the orientation of the building locating the sign within the required setback would almost completely obscure it, adding that the proposed location would cause no line of sight issues. He indicated that the business owner would be willing to raise the height of the sign pedestal if the Board prefers.

Gallagher suggested that the size of the sign be limited to 30 square feet.

There being no one else 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 not to exceed 30 square feet in area from 15 feet to 3 feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

Soenksen stated that per the Board's instruction, he had visited the site of the most recent US Auctioneers sale. He indicated that he had observed that all of the conditions required by the Board had been met with regard to items being delivered prior to and removed from the site after the sale.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:10 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

November 8, 2012

Staff Report

Case No. 12-062

Location: 3449 Moencks Road

Applicant: Chris and Janessa Ormsby

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

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

Background Information and Facts

The site is located north of the intersection of Valley Drive and Moencks Road on the east side (see Attachment A – Location Map). The property involved is a through lot which has street frontage on both Moencks Road and Woodholm Lane. The applicant would like to place a 6-foot high fence on the east and south sides of the lot and connect to an existing 6-foot high fence on the north side of the lot (see Attachment B – Plot Plan). Because the lot is a through lot, any fence within 30 feet of Woodholm Drive would be considered to be in a “front yard” by ordinance and would require a variance approval by the Board.

Staff Analysis

There are two separate issues associated with this request that will be addressed individually. The first issue is related to the proposed fence on the (south) side yard, and the second issue relates to the proposed fence along the rear property line (Woodholm Lane). The following is staff’s analysis of those two issues:

1. The side yard (south) fence

This portion of the proposed fence mirrors the existing fence on the opposite (north) side yard and is in keeping with the aesthetics and conditions that have existed on the north side for several years.

There is a roadway easement that runs through the center of the applicant’s lot to the south and connects to Dukes Drive which is also private (see Attachment B, Plot Plan). One of the reasons for the variance request is that the homeowners to the south are using the roadway easement to connect to the applicant’s personal driveway to access Moencks Road even though there is no legal authority for them to use it for that purpose (see Attachment C – Plat). Previously this property was a church which has been abandoned, sold, and is now being converted into a single-family home. When this property was being used as a church, the roadway easement served as a means for parishioners to have an additional access point into the church parking area. With the conversion of this property into a single-family home, the easement serves no purpose, and the applicants have requested that the city vacate the portion that is located on their property. That easement vacation request is pending City Council approval, and staff would recommend that approval of the variance request be conditioned on the final approval.

2. The fence portion adjacent to Woodholm Lane

Attachment D is a photo showing Woodholm Lane looking toward the existing 6-foot high fence along the north property line. The applicant would like to have a

section of the fence installed along the property line adjacent to the right-of-way Woodholm Lane. Staff notes that a fire hydrant is located in the southeast corner of the property and is clearly visible on Attachment D. Staff is opposed to allowing the fence in the proposed location as it would block access to the fire hydrant if needed for other properties in this area. Captain Knorrek of the Bettendorf Fire Department advises that the fence should be no closer than 6 feet to the fire hydrant to allow proper access for firefighting purposes.

The semi-paved (gravel) portion of Woodholm Lane is approximately 12 feet wide, and the roadway easement is 30 feet wide. Therefore, if allowed, the fence would appear to be an adequate distance away from the semi-paved portion of the private drive. As shown on Attachment D, Woodholm Lane gets very little traffic and in fact vehicle(s) are sometimes parked/stored on the right-of-way. All of the roadways in this area (Woodholm Lane, Duke's Drive, and Williams Court) are private drives, and the city has no plans to acquire or improve them to city standards. Allowing the fence to be placed adjacent to Woodholm Lane would not have the intrusive appearance that a 6-foot high fence in a front yard of an improved city street lot would typically have.

Staff Recommendation

Staff acknowledges that this is a unique area with unique circumstances which the Board may accept as a legitimate hardship regarding the strict application of the fence placement requirement.

The unauthorized use of the applicant's driveway by motorists using the alley that cuts through the middle of the applicant's lot is a hardship beyond the applicant's control, and the installation of a fence on the south side is a reasonable response to that problem.

If approved, staff requests that the approval be dependent upon the following conditions:

1. That vacation of the roadway easement located in the center of this lot as shown on Attachment C be completed and that no fence be erected until the pertinent documents have been recorded at the Scott County Recorder's office.
2. Regardless of the actual location of the property line adjacent to Woodholm Lane, that no fence be placed closer than 6 feet of any fire hydrant and that the fence placement must allow access to any fire hydrant for all of the other residences in the area for fire safety reasons.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE

Attachment - B



**Existing
Six Foot Fence**

**Requested
Six Foot Fence**

MOENCK'S RD

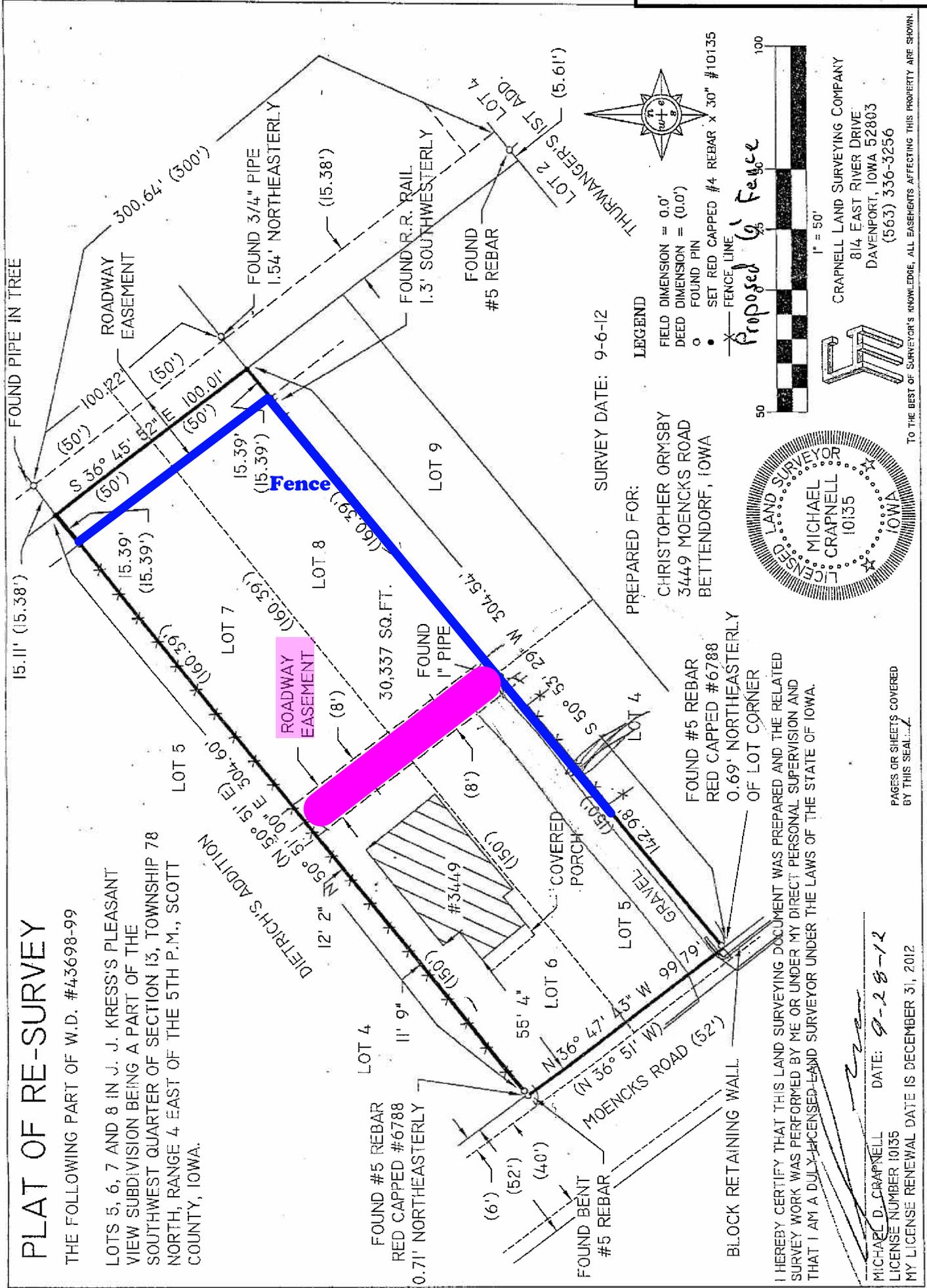
DUKES DR

WOODHOM LN

PLAT OF RE-SURVEY

THE FOLLOWING PART OF W.D. #43698-99

LOTS 5, 6, 7 AND 8 IN J. J. KRESS'S PLEASANT VIEW SUBDIVISION BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA.



PREPARED FOR:
CHRISTOPHER ORMSBY
3449 MOENCKS ROAD
BETTENDORF, IOWA

LEGEND
FIELD DIMENSION = 0.0'
DEED DIMENSION = (0.0')
○ FOUND PIN
● SET RED CAPPED #4 REBAR x 30" #10135
- - - FENCE LINE
Proposed Fence

PREPARED BY/RETURN TO: CRAPNELL LAND SURVEYING CO. 814 E. RIVER DR. DAVENPORT, IA (563)336-3256

DATE: 9-28-12

DATE: 9-28-12

DATE: 9-28-12

TO THE BEST OF SURVEYOR'S KNOWLEDGE, ALL EASEMENTS AFFECTING THIS PROPERTY ARE SHOWN.

TO THE BEST OF SURVEYOR'S KNOWLEDGE, ALL EASEMENTS AFFECTING THIS PROPERTY ARE SHOWN.

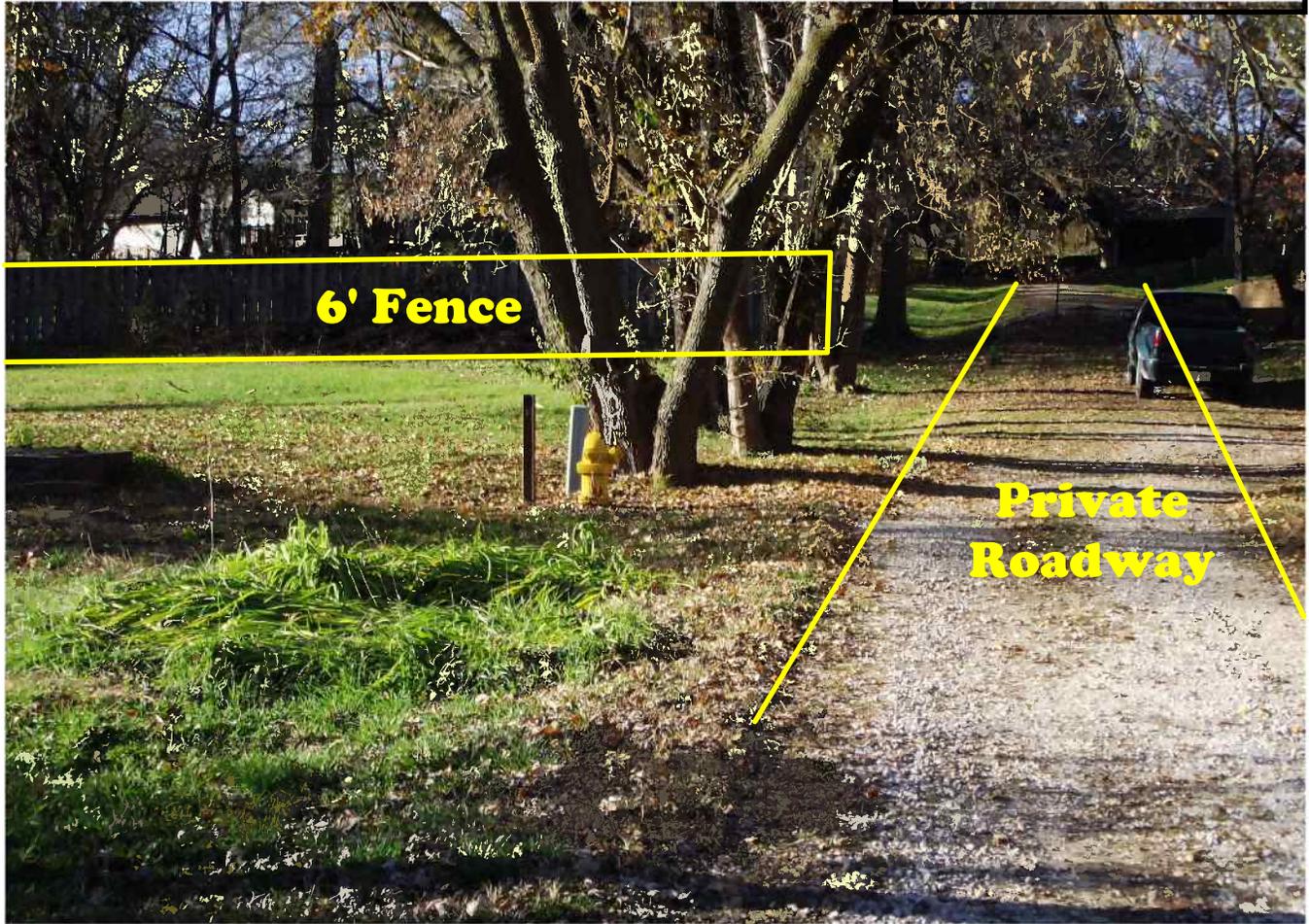
TO THE BEST OF SURVEYOR'S KNOWLEDGE, ALL EASEMENTS AFFECTING THIS PROPERTY ARE SHOWN.

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6' Fence

**Private
Roadway**



Case No. 12-062

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

Part 1. Property Involved.

Street Address 3449 Moencks Road Bettendorf, IA 52722

Legal Description of the property. Lots 5, 6, 7 and 8 in J.J. Kress's Pleasant View

Subdivision being a part of the southwest quarter of Sec. 13, Township 78 North, Range 4 East of the 5th P.M.

Part 2. Contact Information.

Applicant Name Christopher & Janessa Ormsby Phone 563-570-3020

Address 2885 Tanglefoot Ln #12 Bett, IA FAX _____

E-mail Address: cjo9922@sbcglobal.net

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 _____ Existing Zoning RI

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.

We would like a 6' Privacy fence in our back yard. The fence to Northwest (between Lot 7 & Lot 5) Dietrich's addition is already a 6' fence to and through roadway easement. Our property was once a church but is now being converted to single family dwelling. The property directly to Southeast has been vacant for 6-8 yrs & is in decay. For the safety health and welfare of our family we respectfully ask for this fence to be permitted.

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 8 day of October, 2012.

Signature of Applicant Christoph Ouml Signature of Owner Christoph Ouml
(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 09 day of October, 2012.



John Soenkse
Notary Public in and for Scott County, Iowa

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

Received by John Soenkse
Amount 50.00 Date 10-9-12



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

November 8, 2012

Staff Report

Case No. 12-063

Location: 3333 – 18th Street

Applicant: Lange Sign Group for Bettendorf Community School District

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

Request: Variance to reduce the required setback from 15 feet to 3 feet for two on-premises identification signs.

Background Information and Facts

The Bettendorf Community School District would like to install two on-premises identification signs on Bettendorf High School campus site. One of the signs would be placed near the south entrance to the north parking lot and the other at the entrance to the south parking lot, both adjacent to 18th Street (see Attachment A – Location Map).

Staff Analysis

The high school campus is currently under construction with major additions being added to the building. As part of the construction project a new public sidewalk has been installed adjacent to 18th Street. The private drive adjacent and parallel to 18th Street will be slightly reconfigured to add parking spaces and will remain in the same general location as currently exists. This will leave only 15 feet of greenspace between the new sidewalk and the private drive. The applicant would like to place two on-premises identification signs in that 15-foot wide green space (see Plot Plan – Attachment B).

The 15-foot sign setback requirement is intended to ensure adequate separation between the sign and the roadway for vision line-of-sight safety issues. If the signs are placed at a 3-foot setback, they would be placed 3 feet from the private drive, 3 feet from the edge of the sidewalk, and approximately 31 feet back from the nearest portion of 18th Street. Staff sees no line-of-sight safety issues with the request. The signs would be centered in the greenspace between the sidewalk and the private drive which appears to be a logical placement given the fact that the signs will act as wayfinders for the various aspects of the combined campus (see Attachments C and D, Sign Illustrations).

Since there are two separate entities occupying the site (Bettendorf Community School District Administration Building and Bettendorf High School), the two signs are allowed by ordinance. If the request is allowed, the signs will be located approximately as shown in Attachment E.

Staff Recommendation

Given the combination of the circumstance listed above, staff feels that the applicant has demonstrated a hardship related to these types of wayfinding signs and further believes that the chosen locations for the signs are the most logical.

Respectfully submitted,

John Soenksen
City Planner

SITE



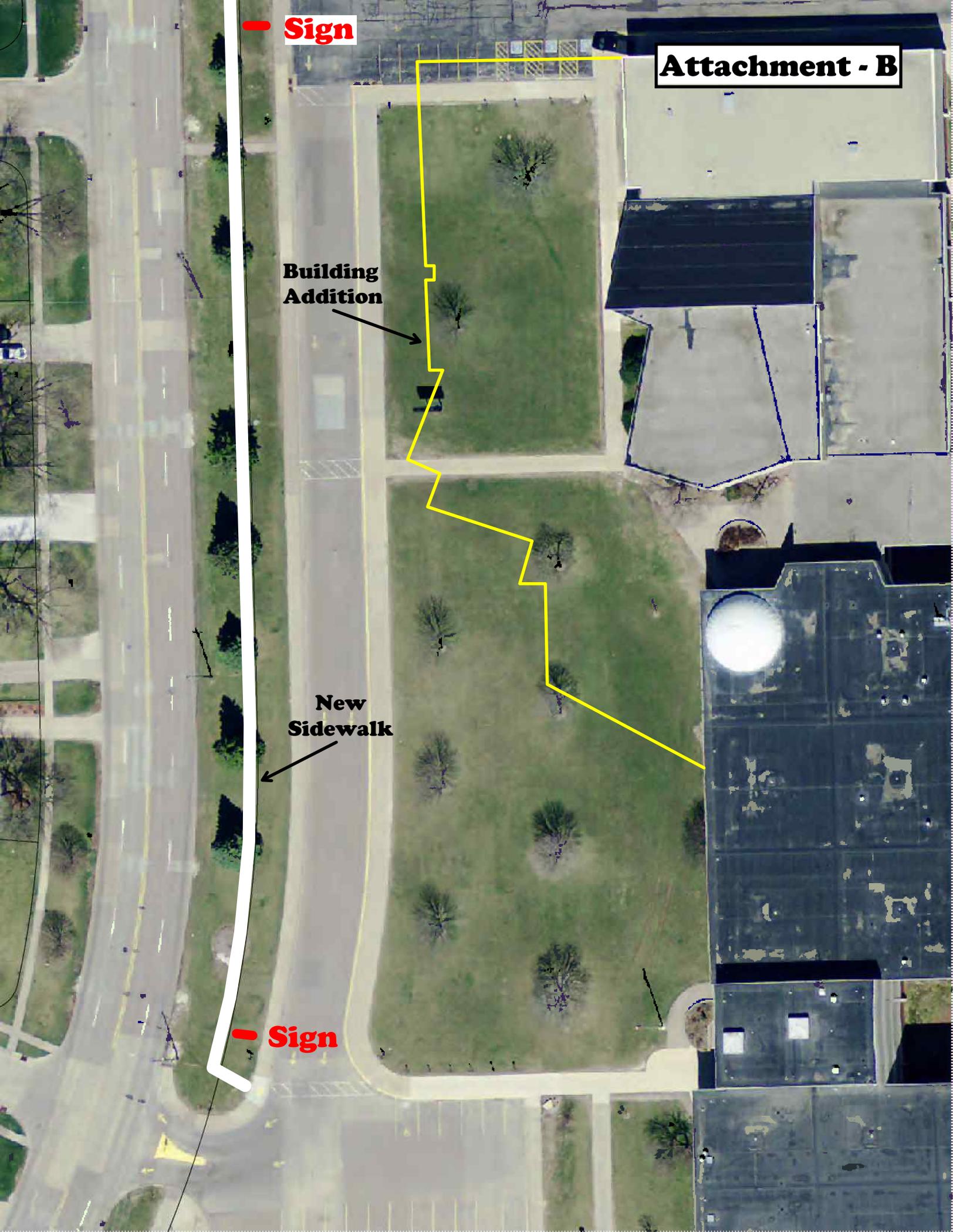
— Sign

Attachment - B

Building Addition

New Sidewalk

— Sign



18th Street North Entrance

TRI-STATE AREA

1780 IL Route 35 N
E. Dubuque, IL 61025
815.747.2448
(FAX)815.747.3049
(Toll free)888.582.6979

QUAD CITIES AREA

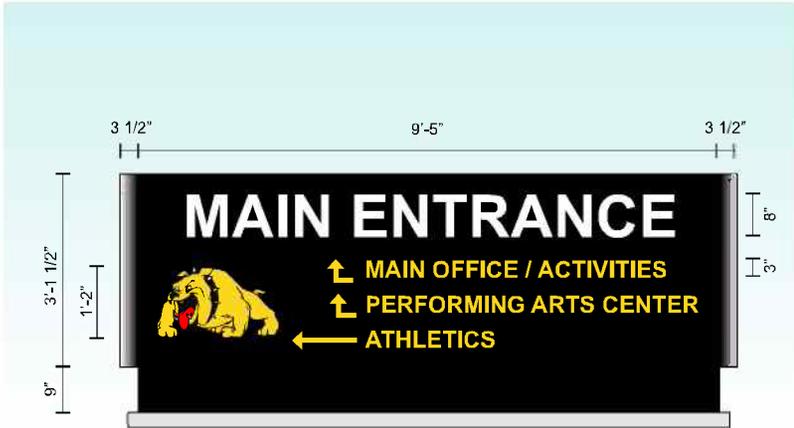
5559 Carey Ave.
Davenport, IA 52807
563.388.6650
(FAX)563.388.6654
(Toll free)800.804.8025

These plans are the exclusive property of the Lange Sign Group and are the result of the original work of it's employees, they are submitted to your company for the sole purpose of your consideration of whether to purchase from Lange Sign Group. A sign manufactured according to these plans, distribution, or exhibition of these plans to anyone other than the employees of your company or use of these plans to construct a sign similar to the one embodied herein is expressly forbidden.

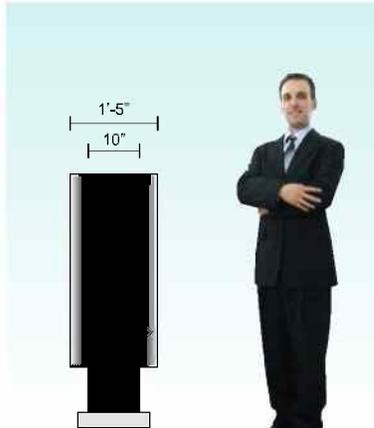
© COPYRIGHT 2012 LSG



Top View



North Side
Scale: 1/2"=1'-0"



Side View



Scale: 1/4"=1'-0"



South Side

3630-33 Red	3630-22 Black
White	3630-125 Golden Yellow

Colors depicted here are for representation only. Actual color samples can be obtained from your sales representative upon request.



Night View

D/F Fabricated aluminum cabinet with 7" radius ends. Fabricated from 1" & 2" square aluminum tubing. Routed faces backed with white acrylic over laid with translucent vinyl. Cabinet sprayed black and illuminated with fluorescent lamps. Fabricated aluminum pipe cover sprayed black.

Client: Bettendorf Community School District
Approved:

Scale: as indicated
Date: 8/22/12
Sketch: bcsd16
Drawn: SF
Sales: PD

18th Street South Entrance

**PDF COPY
MAY NOT BE TO SCALE**

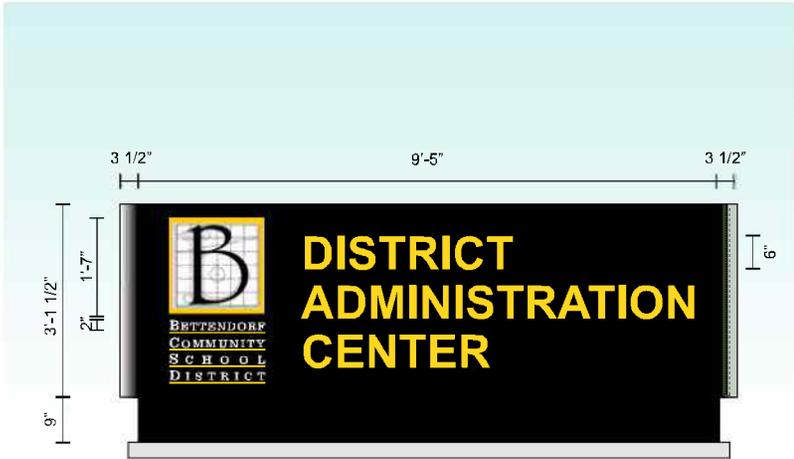
TRI-STATE AREA
1780 IL Route 35 N
E. Dubuque, IL 61025
815.747.2448
(FAX)815.747.3049
(Toll free)888.582.6979

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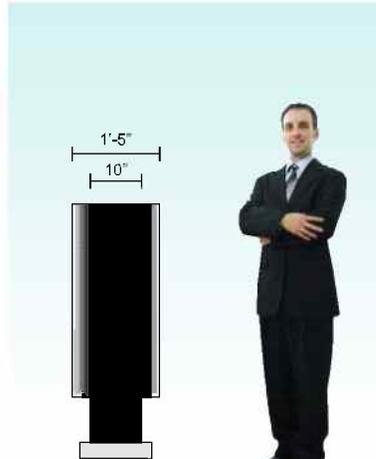
These plans are the exclusive property of the Lange Sign Group and are the result of the original work of it's employees, they are submitted to your company for the sole purpose of your consideration of whether to purchase from Lange Sign Group. A sign manufactured according to these plans, distribution, or exhibition of these plans to anyone other than the employees of your company or use of these plans to construct a sign similar to the one embodied herein is expressly forbidden. © COPYRIGHT 2012 LSG



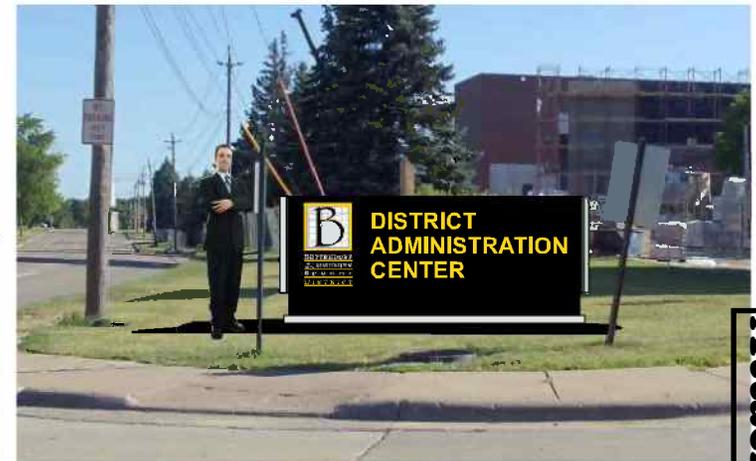
Top View



Scale: 1/2"=1'-0"



Side View



Scale: 1/4"=1'-0"

D/F Fabricated aluminum cabinet with 7" radius ends. Fabricated from 1" & 2" square aluminum tubing. Routed faces backed with white acrylic over laid with translucent vinyl, and digital print. Cabinet sprayed black and illuminated with fluorescent lamps. Fabricated aluminum pipe cover sprayed black.



Colors depicted here are for representation only. Actual color samples can be obtained from your sales representative upon request.



Night View

Attachment - D

Attachment - E



Case No. 12-063

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

Part 1. Property Involved.

Street Address 3333 - 18th STREET
Legal Description of the property. BETTENDORF HIGH SCHOOL

Part 2.

Applicant Name PAMALA DIEDRICH (LANGE SIGN GROUP) Phone 563-210-0404
Address 5569 CAREY AVE., DAV. IA 52807 FAX 563-388-6654

Owner Name BETT. COMMUNITY SCHOOL DIST. Phone 563-359-3681
Address 3311 - 18th ST. BETT FAX _____

Agent LANGE SIGN GROUP Phone 563-388-6650
Address 5569 CAREY AVE., DAV. IA 52807 FAX 563-388-6654

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.)

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.

Requesting a variance to reduce the setback for an on-
premise signs from 15-feet to 3 feet.

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 22 day of Oct, 20 12.

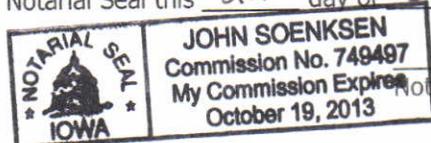
AGENT
Signature of Applicant [Signature] Signature of Owner _____

(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 22 day of Oct, 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 Tax Exempt Entity School
Amount 0 Date 10-22-12



COMMUNITY DEVELOPMENT

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

November 8, 2012

Staff Report

Case No. 12-064

Location: 2140 Devils Glen Road

Applicant: Chuck Mausser

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

Request: Variance to increase the allowable garage area from 720 square feet to 1,808 square feet.

Background Information and Facts

The site is located between Lundy Lane and Legends Trail Drive and is on the west side of Devils Glen Road (see Attachment A).

Staff Analysis

The site is a large lot which is 28,800 square feet or 2/3 of an acre in size. Currently the applicant has a 528 square foot detached garage, a 1,120 square foot batting cage, a 275 square foot parking pad, and a 280 square foot storage shed which are all located behind the house in the rear yard (see Attachment B – Current Plot Plan). The applicant believes that this configuration makes his property and the surrounding area look cluttered and would like to address the matter by combining all of these items into a single structure.

The applicant would like to eliminate the existing batting cage, shed, parking pad, and detached garage and build a 50-foot by 50-foot structure (see Attachment C – Proposed Plot Plan). The northernmost portion of the new structure (20 feet by 30 feet) would serve as an indoor batting cage, and the remainder of the structure would serve as vehicular storage and storage for miscellaneous items that were previously in the storage shed (see Attachment C – Proposed Site Plan). If approved, the floor area ratio would be 183%. The allowed floor area ratio for the R-2 district is 40%.

While considerably larger than most detached garages throughout the city, the structure would eliminate the cluttered look in the rear yard and allow additional vehicle storage indoors while adding to the aesthetics of the surrounding area. In an effort to reduce the “pole barn” look to the proposed structure, the applicant has indicated that he would put traditional (perhaps vinyl) siding on the building to help blend the structure into the residential character of the surrounding area.

Staff Recommendation

Staff cannot cite a hardship that would justify approval of the request. Staff does acknowledge that the request may actually be an improvement to the property and the surrounding area if appropriate restrictions were placed on the exterior aesthetics of the

proposed structure. In addition, there would be no feasible means of monitoring whether or not the current or a future owner would choose to eliminate the batting cage portion of the structure and use the entirety as a garage. There is also a concern that the structure could be used for business purposes, and it would be difficult for staff to ensure that the structure is being used solely for residential purposes.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A

Legends Trail Dr

SITE

Devils Glen Rd

Lundy Ln



Attachment - B



Batting Cage

Shed

Parking Pad

Garage

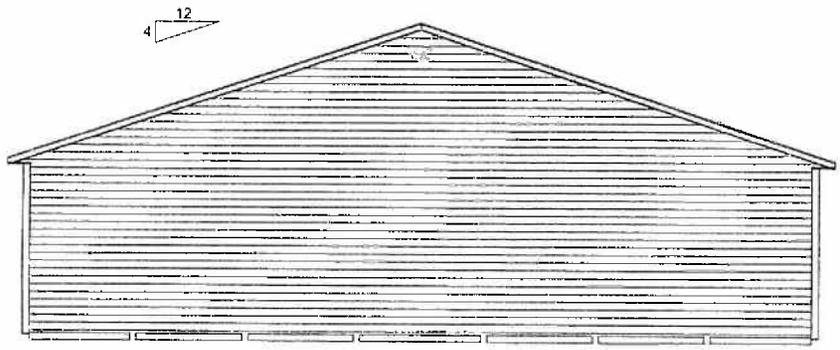
House

DEVILS GLEN RD

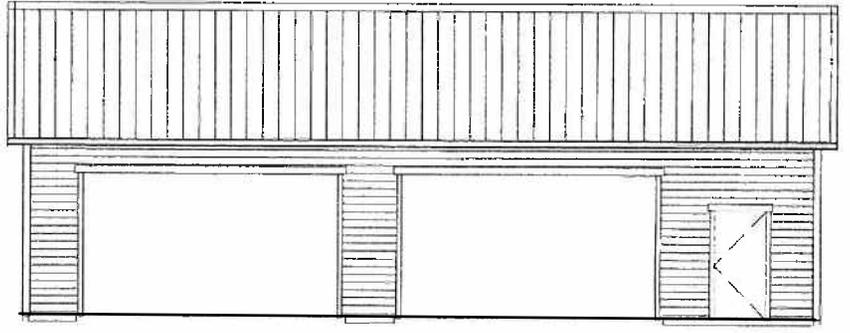
Attachment - C



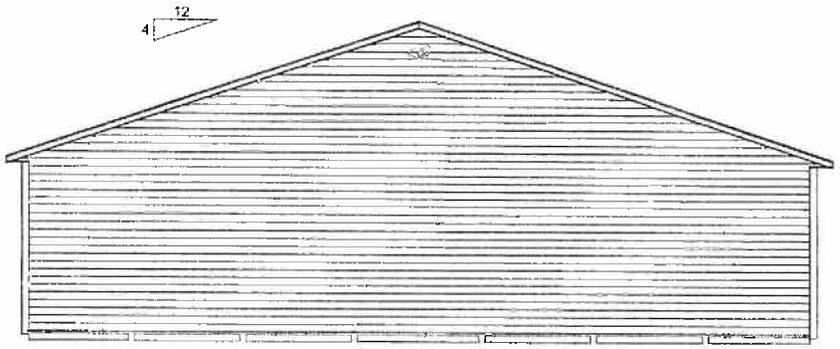
DEVILS GLEN RD



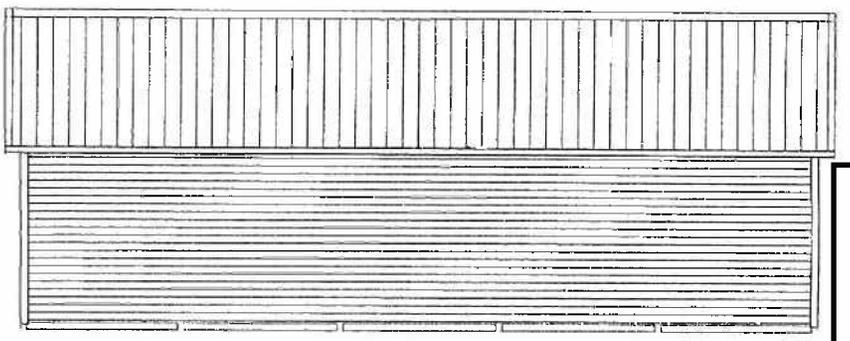
ENDWALL 1



SIDEWALL 1



ENDWALL 2



SIDEWALL 2



Case No. 12-064

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

Part 1. Property Involved.

Street Address 2140 Devils Glen

Legal Description of the property. _____

Part 2. Contact Information.

Applicant Name Chuck Mausser Phone (563) 332-7717

Address 2140 Devils Glen FAX _____

E-mail Address: mausser3@mchsi.com

Owner Name Chuck Mausser Phone (563) 210-2919

Address 2140 Devils Glen FAX _____

E-mail Address: mausser3@mchsi.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.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved _____ Existing Zoning R-2

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.

Variance for 50 ft x 50 ft building /
garage, and indoor bathing cage for
vehicles, Lawn mower,
work vehicle

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 Charles A. Maubley Signature of Owner _____
 (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 26 day of October, 20 12.

John Seaman
 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 \$50. Date 10/26/12