

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
DECEMBER 11, 2014
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 November 13, 2014.
4. The Board to hold a public hearing on the following items:
 - a. **Case 14-091; 2123 - 53rd Avenue (A-2 [proposed C-5])** - A request for a special use permit for a drive-in banking facility, submitted by KGRD Green Bay, LLC.
 - b. **Case 14-092; 2125 Devils Glen Road (R-2)** - A request for a variance to reduce the required setback for an on-premises identification sign from 15 feet to 7 feet, submitted by Ray LaFrentz/Pleasant Valley Community School District.

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
NOVEMBER 13, 2014
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Johnson, Spranger, Voelliger
ABSENT: Gallagher
STAFF: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of October 9, 2014.

On motion by Falk, seconded by Spranger, that the minutes of the meeting of October 9, 2014 be approved as submitted.

ALL AYES

Motion carried.

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

- b. Case 14-084; 931 State Street (C-3) - A request for a variance to reduce the required front yard setback from 20 feet to 15 feet, submitted by Italo Milani.

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 the owner of State Street Interiors, 905 State Street, had expressed support of the project after learning of the property acquisition by the Iowa Department of Transportation (IDOT.)

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

Italo Milani, the applicant, stated that the developer currently owns a similar establishment at West River Drive and Myrtle Street in Davenport. He added that the only reason a variance is required is because the IDOT plans to acquire 5 feet of right-of-way along State Street. Milani indicated that if the facility were to be built now, a variance would not be required.

Voelliger asked if there is adequate space for a public sidewalk along State Street if the variance is granted. Soenksen confirmed this.

Johnson asked if the IDOT plans to acquire right-of-way from other properties in the area. Connors stated that there are several other businesses in the vicinity that are affected. Voelliger asked if those businesses are located west of 10th Street. Connors confirmed this, adding that he has received several inquiries as to whether business signs will now be too close to the street.

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 Falk, seconded by Johnson, that a variance to reduce the required front yard setback from 20 feet to 15 feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- a. Case 14-083; 5770 Little Lane (R-1) - A request for a variance to reduce the required front yard setback from 30 feet to 15 feet to allow construction of a house, submitted by Gary Schumacher.

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 #5 to these minutes. Soenksen stated that he had received two letters of opposition to the request from Betty Burggraaf of 3515 Moencks Road and Kathrina Olson of 3565 Woodholm Lane.

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

Gary Schumacher, the applicant and developer, explained that to site a house of the size and width he desires he needs the variance to reduce the front yard setback.

Voelliger asked how close the proposed house would be to the retaining wall adjacent to the sidewalk along Moencks Road. Schumacher explained that the house would be approximately 20 feet from the retaining wall and approximately 45 feet from the curb at the closest point.

Johnson asked if the retaining wall is located on city property. Schumacher confirmed this. Voelliger asked how far behind the retaining wall the property line is located. Connors stated that the property line is located a short distance behind the retaining wall. Johnson asked if the city had built the retaining wall. Connors confirmed this, adding that it had been built as a part of the Moencks Road paving project.

Voelliger asked for clarification of the depth of the proposed garage stalls. Schumacher stated that they would be 21 feet deep, adding that the total depth of the home is 50 feet 8 inches.

Voelliger asked if the home would be owner-occupied. Schumacher explained that he is building the house as a spec home that would eventually be owner-occupied.

Falk asked if the proposed construction would have any negative effect on the adjacent lot. Soenksen stated he does not believe that the construction would have any impact on that lot, adding that regardless of whether the variance is approved, a home will likely be built on the lot eventually anyway. Johnson commented that when the applicant's engineer designed the subdivision the detention basin would have been sized to accommodate all of the storm water runoff from each buildable lot taking into account the additional impervious area. Soenksen added that the city's engineering department would have approved the final plat design as well.

Voelliger asked if the garage would have two or three stalls. Schumacher stated that it would be a three-car garage.

Voelliger commented that eventually homes would be built on all of the lots except for the lot that serves as the detention basin. Schumacher stated that that is his hope, adding that the proposed house would be built east of the detention basin.

Voelliger asked how wide the lot is to the east of the detention basin. Schumacher explained that it is 110 feet wide.

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

Johnson asked if the applicant had considered rotating the garage so that the doors face Little Lane so it would fit in the buildable area. Schumacher stated that there is only 40 feet of buildable width. Johnson indicated that she believes that while the topography of the lot is difficult, there are other configurations that would work without requiring a variance. Schumacher explained that the restrictive covenants for the subdivision require that the homes have side-load entry garages. Johnson commented that the restriction would preclude the applicant from rotating the garage as she had suggested. Schumacher stated that the L-shaped configuration as shown accommodates the driveway

Johnson commented that there do not appear to be any other similar encroachments into the setback along Moencks Road. Falk stated that the garage of the proposed house would be a very prominent feature as drivers pass by on Moencks Road. Johnson asked if the applicant could request an exemption from the homeowner's association covenant requiring side-load entry garages. Schumacher stated that a formal homeowner's association has not yet been established. Johnson commented that there are several vacant lots in the subdivision. Schumacher stated that houses that are compliant with the restrictive covenants and the zoning ordinance could be built on the other four vacant lots, adding that it is only the corner lot that is very difficult. He explained that only a portion of the house would encroach into the required setback along Moencks Road.

Johnson asked if the applicant could request a variance from the side-load entry requirement from the adjacent neighbors since there is no formal homeowner's association. She added that the driveway would not have to be so long with such a steep curve if the garage had a front-load entry. Schumacher stated that the buildable width of the lot is only 40 feet at that point and

would not allow a front-load entry garage. Falk asked how wide the garage portion of the house would be. Schumacher explained that it is approximately 35 feet wide, reiterating that the lot would not be wide enough for that type of configuration. Johnson commented that she would prefer that the applicant choose a different configuration for the house so that the required setbacks can be maintained.

Johnson asked if the applicant would be allowed to return to the Board with a different configuration if the current request is denied. Soenksen confirmed this, adding that the time limit restriction regarding Board action on particular lots only applies to special use permits.

Voelliger asked if it would be feasible to move the proposed house further to the east and still maintain the required setback. Soenksen explained that while it could be moved slightly further east, it would make the entrance into the garage much more difficult.

Johnson commented that the side-load entry requirement seems to be the reason it is proving so difficult to find a workable configuration.

Voelliger asked if the house would be 2 stories and how many bedrooms it would have. Schumacher explained that the house would be a ranch style with 3 bedrooms.

Schumacher commented that if the garage has a front-load entry, almost the entire front of the house would be blocked by the garage.

Falk asked why the house could not be moved further back on the lot and slightly rotated so that it would fit in the buildable area. Schumacher stated that if the house were moved further back the driveway would necessarily be more difficult to navigate because of the topography. Falk commented that regardless of where the house is located, it is likely that retaining walls would have to be built along the driveway on the east side. Schumacher stated that while that is a possibility, there would be much less excavation required the closer the house is to Little Lane.

Johnson reiterated that she would prefer not to set a precedent of encroachment into required front yards and would like to maintain the setbacks.

Voelliger asked if there are any examples of cases when the Board approved a similar request. Connors stated that while on occasion the Board has allowed decks to encroach into a required front yard, he is unaware of any cases when the Board approved a request to allow a principal structure to encroach into a required front yard.

On motion by Johnson, seconded by Falk, that a variance to reduce the required front yard setback from 30 feet to 15 feet to allow construction of a house be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- c. Case 14-085; 3790 East Harbor Drive (A-2) - A request for a variance to increase the allowable garage area from 720 square feet to 1,126 square feet and to reduce the required side yard setback from 5 feet to 3 feet, submitted by Rockne Brosman.

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 #7 to these minutes.

Falk stated that he would abstain from discussion and voting regarding Case 14-085.

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

Rockne Brosman, the applicant, stated that in 1993 the house was raised to 1 foot above the base flood evaluation in accordance with FEMA's requirements at that time. He indicated that he is not all concerned about the possibility of flooding as the level of flood water does not reach the garage elevation even at the 17-foot level. He showed photos of various flood events and how they affected his home. He stated that he is aware that a flood plain development permit and elevation certificate are required. Brosman questioned whether the proposed garage would be one of the largest in the neighborhood as indicated in the staff report. Soenksen explained that the calculations of garage size are based on the records shown on the Scott County Assessor's web page. Brosman stated that those records are inaccurate as they do not designate some of the spaces used as garages in the area as such. He added that the garage to living area ratio that he is proposing is much less than some of his neighbors. He indicated that it is very difficult for him to fit two cars, a golf cart, a lawn mower, two kayaks, paddleboat, and bicycles in the space he has now.

Brosman stated that he does not believe that the Board should set a precedent with regard to required setbacks. He indicated that he does not believe that there is any difference between a 3-4 foot high concrete flood wall that is commonly located on side property lines in the neighborhood and a 10-foot high garage wall that would be 3 feet from the property line. Soenksen stated that the flood walls to which the applicant is referring are classified in the same manner as fences which can be located on the property line. Brosman stated the concrete walls serve the purpose of keeping water back but are just as much of an impediment as a garage would be.

Brosman explained that his neighbor's house is 87 feet wide, leaving only 13 feet of total side yard setback. He indicated that after the proposed construction is complete, the combined side yard setback would be 25 feet. He added that the proposed addition would not hinder access by emergency vehicles. Brosman stated that the lot to the north is vacant and that the owners have a lot of flexibility with regard to the layout and placement of a house in the future. He stated that he does not believe that either of his requests are unreasonable and that no precedent would be set by granting them.

Voelliger asked if the neighbor to the north is in favor of the proposed addition which will be located only 3 feet from the shared property line. Brosman stated that he has not been in contact with the owners of that lot but indicated that his other neighbors are not opposed.

Soenksen asked how deep the existing garage is. Brosman indicated that it is 28 feet deep. Soenksen asked if the proposed addition to the rear of the home would have been flooded during the event when the flood water was 17 feet above river level. Brosman confirmed this but indicated that the new addition would be raised.

Voelliger asked if the home has a basement. Brosman explained that there is a crawl space underneath the house but that there is not a traditional usable basement.

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

Johnson suggested that the motions for the two variance requests be split. She indicated that while she understands the applicant's wish for a larger garage, she is not necessarily supportive of the request for the setback reduction.

On motion by Johnson, seconded by Spranger, that a variance to increase the allowable garage area from 720 square feet to 1,126 square feet be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE:	Johnson, Spranger, Voelliger
NAY:	None
ABSTAIN:	Falk

Motion carried.

Johnson asked for clarification of the requirement for a motion to be approved if only three members are voting. Soenksen explained that for a variance to approved there must be three concurring votes.

Voelliger commented that he is not opposed to the setback reduction to 3 feet since the adjacent lot is vacant. He added that the Board has allowed garages on alleys to be built 3 feet from the lot line in the past. Johnson stated that those requests had been for detached structures built adjacent to an alley. Spranger commented that the currently vacant lot will not necessarily remain so. Johnson stated that the proposed construction may constrain the owner of that lot with regard to placement of a house in the future because there is a required separation.

Spranger asked if there are any other houses on East or West Harbor Drive that have only an 8-foot separation as would be the case if the owner of the vacant lot chose to build a house at the minimum setback on the south side. Soenksen stated that he could not definitively say one way or the other. He indicated that it is likely that the vast majority of the homes are set back the required distance from one another adding that the rear property line of most of the homes is actually in the harbor.

Holly Secker, 3790 East Harbor Drive, stated that the homeowner's association has already approved the plan for the proposed addition.

Voelliger reiterated that he is not opposed to the proposed addition since the adjacent lot is vacant. Connors explained that regardless of what construction takes place, it does not affect the buildable area of the adjacent lot. He indicated that the ordinance does not require that there be 10 feet between structures, adding that issuance of building permits is based on the lot lines of a particular lot. Johnson asked if there is a required separation related to the fire code. Connors stated that the code requires that any structure closer than 3 feet to a property line be fire protected, adding that the proposed addition is just short of that requirement.

Johnson asked how many vacant lots are left in the area. Secker stated that there are only two lots left that are vacant. Johnson commented that she is not necessarily opposed to the request given the uniqueness of the neighborhood, but that it is possible that another homeowner may want to build a similar addition 3 feet from their side property line. She stated that approving this request may set a precedent. Secker stated that the proposed addition would affect only the adjacent lot which is vacant. Spranger explained that while that is the case for the current request, other homeowners may wish to build a similar addition which would reduce the separation between houses.

Secker asked if the purpose of the minimum side yard setback is to provide access for emergency vehicles. Connors stated that that is one of the reasons but that it is also to provide adequate light and ventilation around properties.

Johnson stated that while she would prefer to maintain the required setbacks, she understands that this is a unique neighborhood. She indicated that it is also difficult because the vote must be unanimous.

On motion by Voelliger, seconded by Johnson, that a variance to reduce the required side yard setback from 5 feet to 3 feet be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Johnson, Spranger, Voelliger
NAY: None
ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #8 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 6:00 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

December 11, 2014

Staff Report

Case No. 14-091

Location: 2123 - 53rd Avenue

Applicant: KGRD Green Bay LLC

Zoning Designation: A-1, Agricultural District (proposed C-5, Office/transitional District)

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

Background Information and Facts

The site is located west of the McDonald's Restaurant on 53rd Avenue (see Attachment A – Location Map). The applicant would like to build a credit union with a drive-in banking facility. Banking facilities are allowed in the C-5 District, but the drive-up windows component requires approval of a special use permit by the Board per Section 15.53.4 of the zoning ordinance.

Staff Analysis

There is a small house on the property where the credit union building is proposed to be located and which will be demolished for the project. The site is 1.37 acres in size with 230 feet of frontage along 53rd Avenue. The site plan is compliant with all setback and parking requirements, and there appears to be sufficient vehicular accessibility around the proposed building and throughout the site (see Attachment B – Concept Plan).

The three drive-up lanes will be on the west side of the building with drivers using a counterclockwise traffic pattern. There will be sufficient stacking space for vehicles at the drive-up facility and for three vehicles under the canopy.

There will be a driveway access on 53rd Avenue directly across from the median cut shown on Attachment A.

Section 21.10.e of the Code states that no special use permit may be granted unless the following nine standards have been evaluated. Those standards are listed below with staff's evaluation.

- (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 15.53.4 specifically lists a drive-in banking facility as a permitted special use in the C-5 District.

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

A site development plan that is code-compliant must be reviewed by the Planning and Zoning Commission and approved by the City Council prior to the applicant's proceeding with this project.

- (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 issues. If the final plan is not compliant with 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 will meet ordinance requirements. The access drive on 53rd Avenue already exists.

The design of this plan and related drive-up lanes comply with all of the requirements listed above. 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.

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 special use permit request has ever been made concerning this property.

- (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 recommends that approval of this request be conditioned on the successful rezoning of the property.

- (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 conditioned upon successful rezoning of the site to C-5, Office/Transitional District.

Respectfully submitted,

John Soenksen
City Planner

53rd Ave

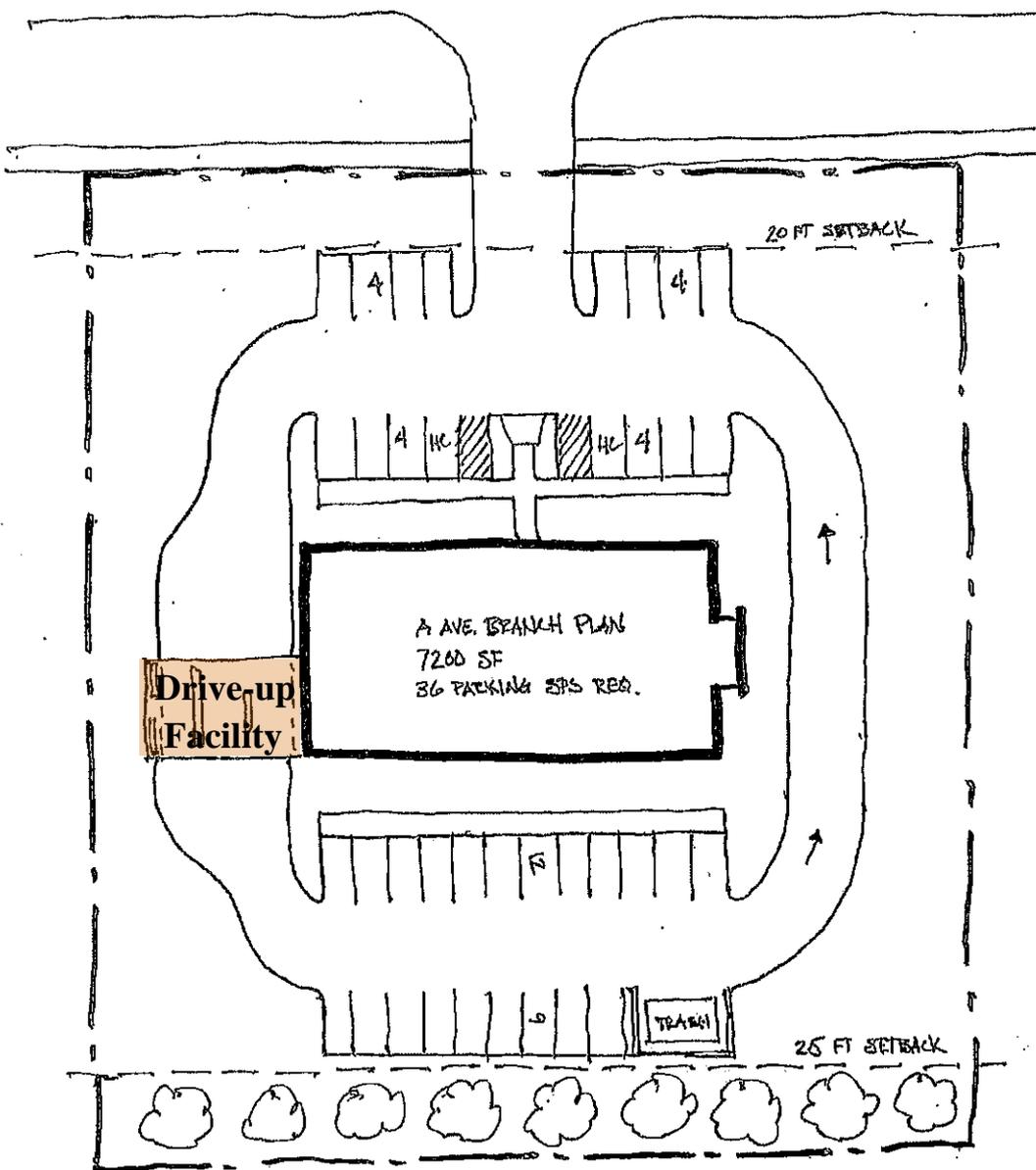


SITE

18th Street

Attachment - B

53RD AVE.



Drive-up Facility

A AVE. BRANCH PLAN
7200 SF
36 PACKING SPS REQ.

20 FT SETBACK

25 FT SETBACK

BETTENDORF
1" = 30'



Case No. 14-091

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

Part 1. Property Involved.

Street Address 2123 53RD AVE BETTENDORF

Legal Description of the property. _____

Part 2. Contact Information.

Applicant Name LEGARD GREEN BANK, LLC Phone 563-355-2022

Address 1805 STATE ST. SUITE 191 BETTENDORF FAX 563-355-7806

E-mail Address: kevin.k@bullettecsuiting.com

Owner Name JOSEPHINE MEDLUM TRUST Phone _____

Address 2123 53RD AVE BETTENDORF FAX _____

E-mail Address: _____

Agent RICK SCHABER/KELVIN KOBZLAK Phone 563-355-2022

Address _____ FAX _____

E-mail Address: ABOVE APPLICANT

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. DRIVE UP LAUNDRY FOR FINANCIAL INSTITUTION.
(Attach a separate sheet and explain in detail.)



COMMUNITY DEVELOPMENT

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

December 11, 2014

Staff Report

Case No. 14-092

Location: 2125 Devils Glen Road

Applicant: Ray Lafrentz (Pleasant Valley School District)

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

Request: Variance to reduce the required setback for an on-premises identification sign from 15 feet to 7 feet.

Background Information and Facts

Riverdale Heights Elementary School is located at the intersection of Pleasant Drive and Devils Glen Road (see Attachment A – Location Map). The school district would like to place a monument-style on-premises identification sign within 7 feet of the property line adjacent to Devils Glen Road.

Staff Analysis

In the spring and summer of 2014, the parking lot at the school was reconfigured and expanded. Part of that project included the elimination of a triangular island at the main entrance where the sign was located. The island area was paved, and several parking spaces were added. The school district would like to place a new identification sign at the front (Devils Glen Road side) of the newly-configured parking lot (see Attachment B – Sign Locations). Most of the front property line along Devils Glen Road is within one foot of the paved portion of the public sidewalk. The property line near the main entrance is 9 feet further from Devils Glen Road for a 200-foot section and then gradually returns to within one foot of the sidewalk (see Attachment C – Setback Illustration). This property line deviation is the reason that a variance is needed for the new sign. Had the property line not deviated in this area, the proposed location for the sign would meet setback requirements.

Staff suspects that the property line deviation was originally intended to allow a turn lane to be added to Devils Glen Road at the main entrance to the school. This was never done, and there are no current plans to install an additional turn lane into the school. If a turn lane is ever added, the proposed sign location will still be over 70 feet north of the main entrance and would not cause a traffic hazard.

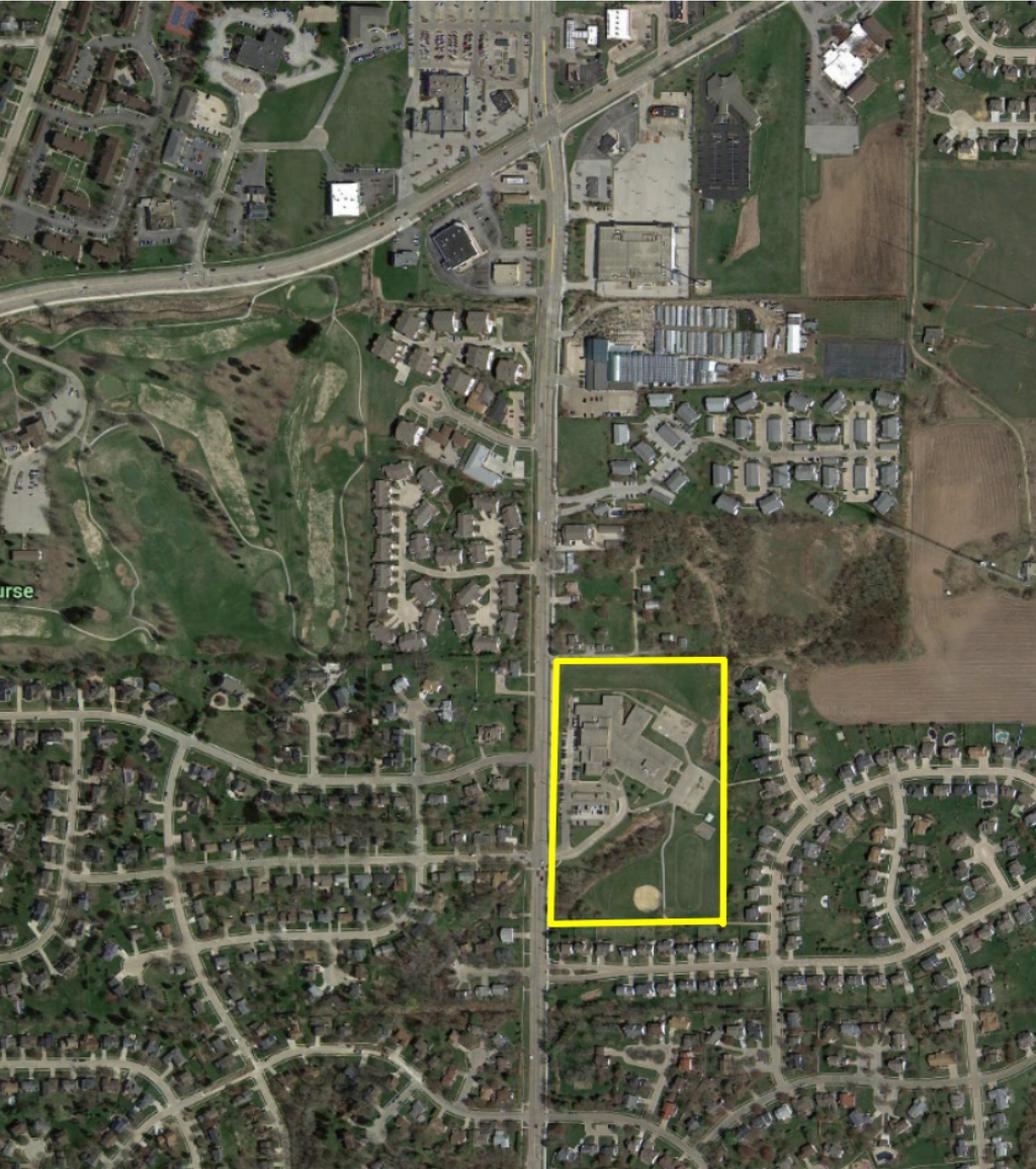
Staff Recommendation

Staff applauds the school district's effort to address the parking issues at the school. For years cars have stacked onto Devils Glen Road before and after school. The parking

lot expansion and reconfiguration has alleviated many of those issues. The project eliminated the original school sign and the new sign location appears to be logical and will not cause line-of-sight issues for traffic or pedestrians entering or existing the parking lot. The front property line deviation is not self-imposed and poses a hardship as related to the placement of the sign.

Respectfully submitted,

John Soenksen
City Planner



Attachment - B

**Previous
Location**



**New
Location**



DEVILS GLEN RD





Case No. 14-092

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

Part 1. Property Involved.

Street Address 2125 Devils Glen Road

Legal Description of the property. Lot 1 Riverdale Heights Elementary Addition

Part 2. Contact Information.

Applicant Name Ray LaFrentz Phone (563) 332-6895

Address 4333 Devils Glen Rd, Bettendorf, IA 52722 FAX (563) 332-5258

E-mail Address: lafrentzr@pleasval.k12.ia.us

Owner Name Pleasant Valley Community School District Phone (563) 332-5550

Address 525 Belmont Road, Bettendorf, IA 52722 FAX (563) 332-4372

E-mail Address: lafrentzr@pleasval.k12.ia.us

Agent Acme Sign Company Inc. Phone (563) 322-7947

Address 1504 West 4th Street, Davenport, IA 52802 FAX (563) 322-7948

E-mail Address: jarvis.jim@acmesigncoinc.com

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 R2 Single Family

Residential

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 want to install a monumental sign 7 feet from front property line.

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 21 day of Nov., 20 14.

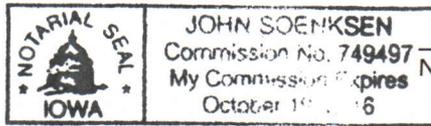
Signature of Applicant [Signature] Signature of Owner [Signature]

(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 21 day of Nov., 20 14.



[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 No fee
 Amount — Date —