

NOTICE TO THE AUDIENCE. PLEASE REMEMBER THAT IF YOU ARE INTERESTED IN MATTERS ON THE AGENDA THAT WILL HAVE SUBSEQUENT MEETINGS, IT IS YOUR RESPONSIBILITY TO NOTE THE DATES, TIMES, AND PLACES. NO FURTHER LETTERS OR REMINDERS WILL BE SENT. OF COURSE, IF YOU HAVE ANY QUESTIONS ABOUT ANY GIVEN MATTER, DO NOT HESITATE TO CONTACT THE PLANNING DEPARTMENT IN THE CITY HALL ANNEX, 4403 DEVILS GLEN ROAD, BETTENDORF, IOWA (344-4100).

**MEETING NOTICE
BOARD OF ADJUSTMENT
MARCH 12, 2015
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 February 12, 2015
4. The Board to hold a public hearing on the following items:
 - a. **Case 15-005; 518 Holmes Street (R-2)** - A request for a variance to increase the allowable garage area from 720 square feet to 1,180 square feet, submitted by Jeremy Reasoner. (Deferred from meeting of February 12, 2015)
 - b. **Case 15-015; 2337 Oak Street (R-2)**; A request for a variance to reduce the required front yard setback from 25 feet to 19 feet to allow for construction of a covered porch, submitted by Jeffrey McCoy.
 - c. **Case 15-019; 4368 - 55th Avenue (R-1)** - A request for a variance to increase the allowable garage area from 775 square feet to 875 square feet, submitted by Bob Buker.

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

**MINUTES
BETTENDORF BOARD OF ADJUSTMENT
FEBRUARY 12, 2015
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: Spranger
STAFF: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of December 11, 2014.

On motion by Gallagher, seconded by Falk, that the minutes of the meeting of December 11, 2014 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to review and approve the 2014 Board of Adjustment Annual Report.

On motion by Falk, seconded by Johnson, that the 2014 Board of Adjustment Annual Report be approved as submitted.

ALL AYES

Motion carried.

Report is Annex #2 to these minutes.

Item 5. Election of officers.

On motion by Falk, seconded by Gallagher, that Voelliger and Falk retain their positions of chairman and chairman pro tem, respectively.

ALL AYES

Motion carried.

Item 6. The Board to hold a public hearing on the following items:

- a. Case 15-004; 3906 Elm Street (I-3) - A request for a special use permit to allow an automotive salvage yard, submitted by Stephanie Goettsch.

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 #3 to these minutes.

Soenksen reviewed the staff report. Staff report is Annex #4 to these minutes.

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

Stephanie Goettsch, the applicant, explained that she would like to consolidate the office for the towing business and the salvage yard into one area as she will be operating both. She indicated that the office would be located on Elm Street and the salvage cars would still be stored in the lot on Depot 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 Gallagher, that a special use permit to allow an automotive salvage yard be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

- b. Case 15-005; 518 Holmes Street (R-2) - A request for a variance to increase the allowable garage area from 720 square feet to 1,180 square feet, submitted by Jeremy Reasoner.

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 #3 to these minutes.

Soenksen reviewed the staff report. Staff report is Annex #6 to these minutes.

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

Jeremy Reasoner, the applicant, asked how much additional garage space would be allowed according to the Code. Soenksen explained that the applicant would be able to add 440 square feet of detached garage space. Reasoner asked if he would be allowed to have a larger detached garage if the existing garage is converted to living space. Gallagher confirmed this, adding that a 720 square foot garage would be allowed. Soenksen added that the existing garage would not necessarily have to be converted to living space but that the applicant could make some sort of permanent structural change that would preclude its being used for vehicle storage. Gallagher stated that the applicant could simply convert the existing garage to storage

space for lawn equipment. Reasoner commented that his plan is to use the existing garage as storage space as is not very useful for parking a car because it is very difficult to enter and exit the vehicle.

Falk asked if the existing driveway would be required to be vacated if the applicant chooses to convert the original garage so that it cannot be used for vehicle storage. Soenksen explained that while the Code states that vehicles are only to be parked in front of garage spaces, there are many homes in the city where this is not the case.

Johnson asked if the applicant could convert a portion of the proposed structure so that it would not be useable for vehicle storage to increase the allowable size of the new garage. Soenksen confirmed this, adding that any permanent structural feature that prohibits vehicle storage would mean that that space would not be included in the living area to garage space calculation. Johnson suggested that the applicant could install a curb or a step to prevent a vehicle from being stored in a part of the garage. Gallagher added that the applicant could also remove one of the garage doors and replace it with an access door while leaving the remainder of the structure as is. Connors explained that a garage of up to 720 square feet in size could be constructed on a floating slab but that any structure larger than that would require frost footings. He commented that the additional concrete required for frost footings would add substantially to the cost of the project. Reasoner indicated that he is aware of that requirement and that he likely will build only a 720 square foot garage because he would prefer not to install frost footings.

Voelliger asked if any section of the revised comprehensive plan would affect the residents of the older areas of the city who wish to build larger garages. Connors stated that the issue would be addressed during the comprehensive plan review.

Voelliger commented that he does not feel that the proposed garage would negatively impact the neighborhood because of the larger than average size of the lot and the large amount of buildable area available in the rear yard.

Reasoner stated that while there may not be any homes with such large garages immediately adjacent to his home, there are several in the neighborhood. Voelliger concurred.

Connors stated that if the applicant chooses to convert the existing garage to prohibit vehicle storage and build a 720 square foot detached garage a variance would not be necessary.

Johnson asked what steps the applicant would need to take to convert the space and if there would be any other conditions imposed such as not parking on the existing driveway. Connors explained that the building permit would be conditioned on the conversion of the existing garage, adding that he has not required other homeowners in the same circumstance to remove their driveway.

Johnson commented that the applicant's lot is larger than most in the neighborhood. She stated if the lot was as narrow as most in the area there likely would have been another house built and two detached garages 720 square feet in size would have been allowed. Soenksen concurred.

Johnson asked what the point of the ordinance limiting garage size is when the applicant would only have to install a raised curb inside a portion of the garage to be allowed to build the proposed 900 square foot building without obtaining a variance. She indicated that by altering the interior slightly, the applicant would be able to build exactly the same size building. She commented that it seems as though the requirement is immaterial because the structure would appear the same from the outside either way. Soenksen explained that the original intent was for detached garages to appear more residential. Johnson commented that the Board has considered other variance requests by applicants who wished to install larger, more industrial sized garage doors in residential neighborhoods.

Reasoner stated that it would look odd to replace the existing garage door with a man door, adding that it would be more aesthetically-pleasing to leave the garage door as is. Johnson stated that according to Code, the applicant could leave the existing garage as is and build a new 900 square foot structure with 440 square feet of vehicle storage with the remainder of the building designated as a shop area. She added that the applicant would be required only to separate the garage space from the shop area by raising the slab slightly or installing a partial wall so that a car could not pull into that part of the structure. Johnson questioned what the practical difference is between a 900 square foot structure used for vehicle storage alone and one with a shop area if the only difference is configuration of the interior.

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

Voelliger reiterated that the lot in question is one of the largest in the area and has a large back yard, adding that is supportive of the applicant's request.

Falk commented that the Board should be mindful of any precedent that may be set by granting variance requests. He stated that it appears as though the applicant would be satisfied with the alternate solution of building a 720 square foot detached garage and converting the existing garage into storage space. He suggested that the applicant may wish to consider that solution which would be less expensive and possibly remove the existing garage door and replace it with a window so that it appears to be a part of the main house. Falk commented that doing so would likely increase the value of the home and provide lighting for the proposed storage area. He added that if the applicant chooses to build a conforming structure without need of a variance, no possibly negative precedent would be set.

Gallagher suggested that the applicant defer the request and discuss his options with city staff prior to the next meeting.

On motion by Gallagher, seconded by Falk, that Case 15-005 be deferred to the March 12, 2015 meeting.

ALL AYES

Motion carried.

- c. Case 15-006; 1801 Kimberly Road (C-2) - A request for a special use permit to allow a car wash, submitted by Reed Windmiller.

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 #3 to these minutes.

Soenksen reviewed the staff report. Staff report is Annex #7 to these minutes.

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

Reed Windmiller, the applicant, stated that because there is no car wash nearby this location would be ideal. He displayed some renderings demonstrating the proposed configuration of the building and the direction of traffic flow through the site.

Voelliger asked if there was anyone wishing to speak in opposition to the request.

Nicole Brandt, 1813 Kimberly Road, asked how her property would be affected by runoff from that proposed development and how tall the building would be as she does not wish to have the view of her restaurant blocked by it.

Mike Janecek, engineer representing the applicant, explained that there is an inlet on the east side of the building that will collect water from the parking lot east of the building and that a roof system will drain that runoff directly into a storm sewer. He indicated that there are no additional storm water detention requirements, adding that any small amount of water that is not collected by the roof drainage system or the inlet will drain along the driveway toward Kimberly Road where there is a storm sewer system.

Soenksen explained that all of the concerns raised by Brandt will be addressed during the site development plan approval process which involves the Planning and Zoning Commission and City Council.

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

Voelliger asked what the required setback from Kimberly Road would be. Soenksen explained that it is 20 feet, adding that even though there are no minimum side or rear yard setbacks required they have been provided.

Voelliger asked for clarification of the lot's width. Soenksen estimated that the lot is between 100 and 120 feet wide.

Voelliger asked if the Subway restaurant would in any way be negatively impacted by issues such as parking. Soenksen explained that the two lots share a driveway which should not affect Subway.

Voelliger asked if the curb cut in the rear of the property would be closed. Soenksen stated that that does not appear to be the case, adding that it might be beneficial for the applicant's business for it to remain open.

Voelliger asked if there is sufficient stacking space available on the site. Soenksen confirmed this, adding that all of the stacking will take place on the applicant's lot. Windmiller explained that there is enough room for 5-6 cars to stack at the northernmost wash and for 3-4 cars in the adjacent one. He indicated that there rarely would there be vehicles stacked for the manual wash bays as motorists typically do not wish to wait very long.

A brief discussion was held regarding the dimensions of the lot. Voelliger commented that while it had appeared as though the lot is quite small, the 110-foot width and 183-foot depth shown should be more than adequate for the proposed use.

On motion by Gallagher, seconded by Falk, that a special use permit to allow a car wash be granted in accordance with the Decision and Order.

ALL AYES

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 5:45 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

February 12, 2015

Staff Report

Case No. 15-005

Location: 518 Holmes Street

Applicant: Jeremy Reasoner

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

Request: Variance to increase the allowable garage area from 720 square feet to 1,180 square feet.

Background Information and Facts

The site is located four lots west of the intersection of Sixth Street and Holmes Street (see Attachment A – Location Map). The applicant would like to add a 30-foot by 30-foot detached garage in the rear yard (see Attachment B – Plot Plan).

Staff Analysis

The applicant has a 280 square foot attached garage according to the Scott County Assessor’s website. The application states that the garage cannot be used for storage of their vehicle because of the height of the garage door opening. The Assessor’s website indicates that the existing garage is 20 feet by 14 feet which would be considered a standard size for single vehicle storage allowing exit/entry into a car.

By combining the existing 280 square foot garage with the proposed 900 square foot detached garage, the total vehicle storage area would be 1,180 square feet. The code allows 40% of the required rear yard to be occupied by structures. The required rear yard is 1,875 square feet allowing a 40% occupation area of 750 square feet. Only 660 square feet of the proposed garage will be in the required rear yard which meets code requirements.

The following are the garage areas in that neighborhood according to the Scott County Assessor:

Holmes Street

- 426 = 484 Sq. Ft
- 438 = 520 Sq. Ft.
- 444 = 565 Sq. Ft.
- 450 = 440 Sq. Ft.
- 506 = 480 Sq. Ft.
- 524 = 440 Sq. Ft.
- 532 = 525 Sq. Ft.
- 540 = 288 Sq. Ft.

Mississippi Boulevard

- 415 = 480 Sq. Ft. (estimated)
- 425 = 480 Sq. Ft. (estimated)
- 431 = 480 Sq. Ft. (estimated)
- 439 = 200 Sq. Ft.
- 447 = 520 Sq. Ft.
- 503 = 480 Sq. Ft.
- 517 = 440 Sq. Ft.
- 523 = 308 Sq. Ft.
- 527 = 440 Sq. Ft.
- 539 = 484 Sq. Ft.

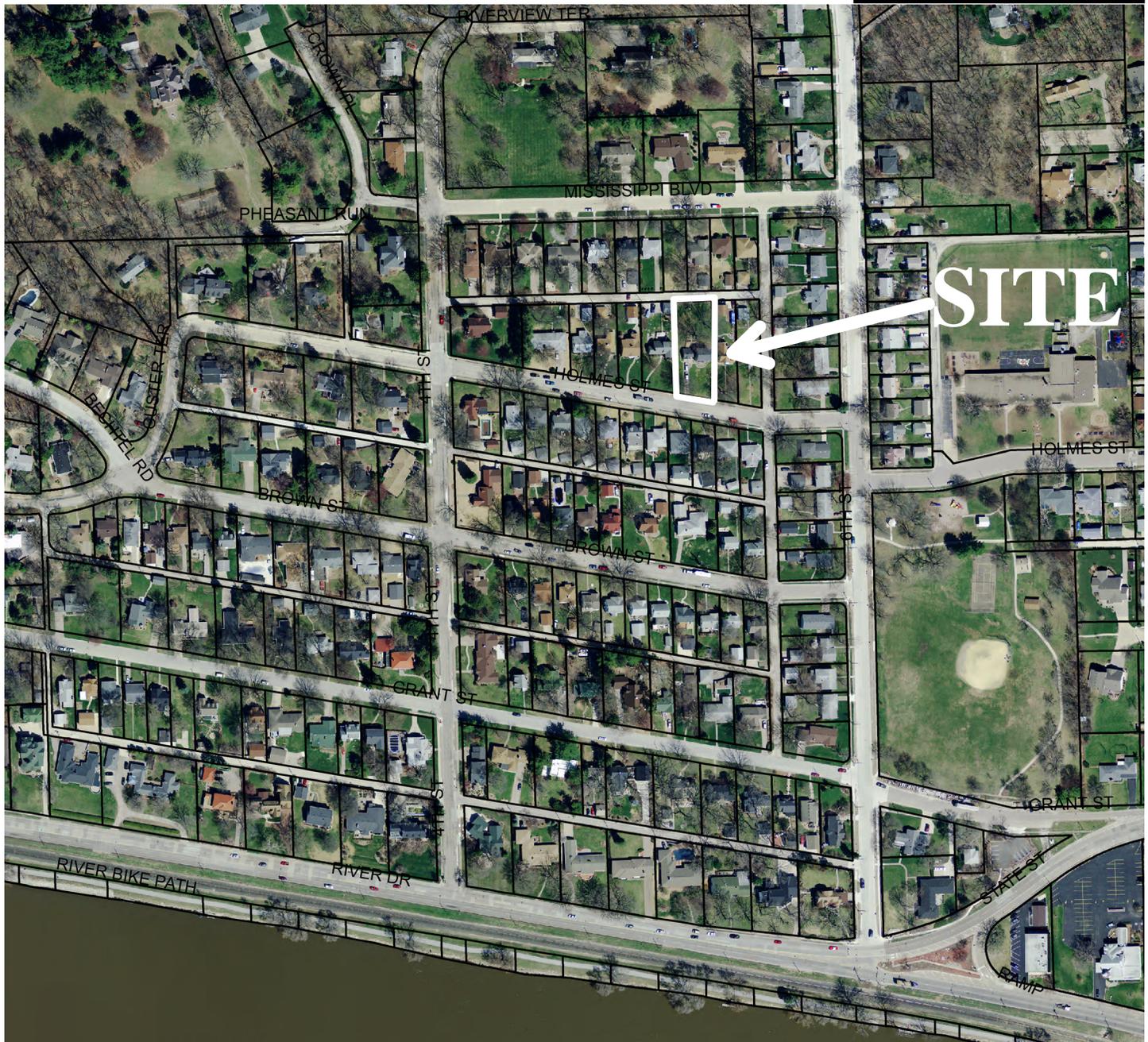
If the applicant keeps the current 280 square foot garage, he would be allowed to add up to a 440 square foot (22 feet by 20 feet) detached garage without a variance.

Staff Recommendation

Staff cannot identify a hardship as defined by the code.

Respectfully submitted,

John Soenksen
City Planner



Attachment - B





Case No. 15-005

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

Part 1. Property Involved.

Street Address 518 Holmes St Bettendorf

Legal Description of the property: LOT 24 and 1/2 of LOT 23 OF BLOCK 5 of Riverside Addition

Part 2. Contact Information.

Applicant Name Jeremy Reasoner Phone 515-238-1019
Address 518 Holmes St FAX _____
E-mail Address: _____

Owner Name Jeremy Reasoner Phone 515-238-1019
Address 518 Holmes St FAX _____
E-mail Address: JeremyReasoner1019@gmail.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 _____

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.

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 *Jeremy Heavens* Signature of Owner *Jeremy Heavens*
 (The owner **MUST** indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa)
) SS
 County of Scott)

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 22nd day of January, 2015.

Lisa Johnson
 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 *Lisa Johnson*
 Amount \$50.00 Date 1/22/15

518 Holmes St

We would like to keep our one car existing garage, not for vehicle storage but for storing yard equipment and household items. In addition we would like to build a 30' x 30' garage in the northwest corner of our back yard, this would conform to the usual size and location of garages within our neighborhood.

Hardship: Due to the size of our existing garage we are unable to use it for vehicle storage, we would like to park our Honda Pilot inside but it will not fit through the garage opening due to the height of garage door opening, let alone if you could get the car in you would have to crawl out the passenger door in order to exit the vehicle. We have three vehicles, two of which are parked on the street. I would like to keep our vehicles off of our street in order to help traffic flow and maintain a clear street for city maintenance vehicles.

Furthermore, I would like to have space for woodworking projects thus a 20' x 24' garage does not allow enough space for two cars and a work area. We very much like our neighborhood and neighbors and would not want to move just to gain the desired garage space. I have discussed our plans of a 30 foot by 30 foot garage with neighbors and no one has expressed any concerns.

We feel that the added garage space will add value to the property and benefit our neighborhood by getting our vehicles off the street. We do not want to turn our existing garage into living space as it would be difficult to convert and very expensive. My plan is to move the stored items in our basement to the existing garage and turn our basement into a family room.

Thank you for your consideration,

Jeremy Reasoner



COMMUNITY DEVELOPMENT

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

March 12, 2015

Staff Report

Case No. 15-015

Location: 2337 Oak Street

Applicant: Jeffrey D. McCoy

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

Request: Variance to reduce the required front yard setback from 25 feet to 19 feet to allow for construction of a covered porch.

Background Information and Facts

The site is located on the south side of the 2300 block of Oak Street (see Attachment A – Location Map). The applicant would like to add a 19-foot wide front porch that would encroach 6 feet into the required front yard setback. The porch design is illustrated on Attachment B, and the house area affected is illustrated on Attachment C.

Staff Analysis

Attachments B and C illustrate that the porch location and pitched roof design will match the existing architectural features of the house. Staff allows 5-foot by 5-foot front entryways in order to allow sufficient room on the entryway to allow a door to open without requiring a person to step off the entryway. The 6-foot depth of the proposed porch does not appear to be excessive and should not detract from the existing neighborhood.

Within this neighborhood there are varying front setbacks for homes on both sides (north and south) of Oak Street (see Attachment D – Setback Illustration). The house directly adjacent to the west is 10 feet closer to the front property line. Therefore, if allowed, the porch will not be the closest structure to the street in this neighborhood.

Staff Recommendation

While staff cannot cite a hardship, the request appears to represent a minimal impact on the neighborhood and is in keeping with the aesthetics of the area.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A

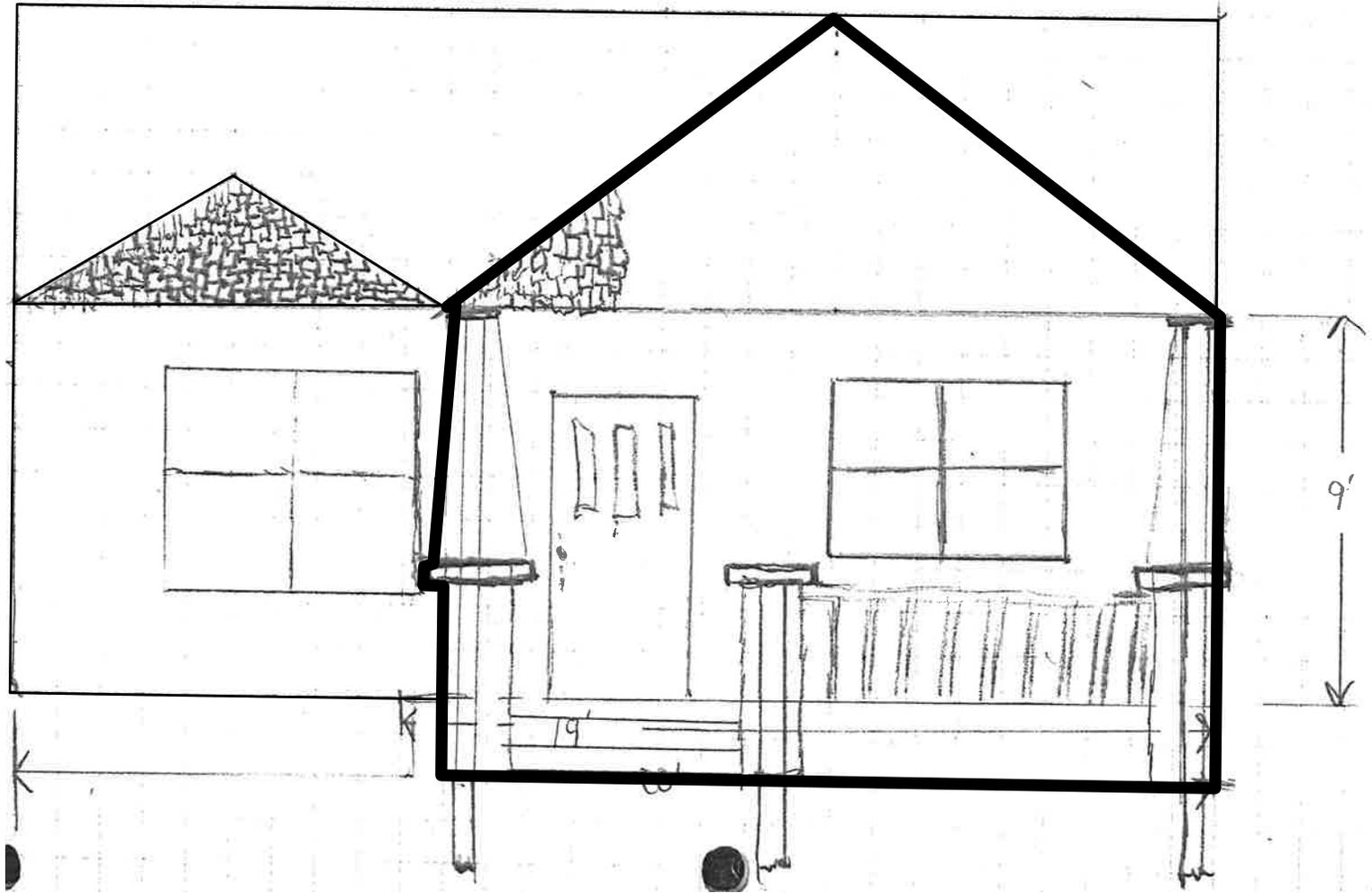


23RD ST

OAK ST

25TH ST

25TH ST



Attachment - B

Attachment - C



Attachment - D



23RD ST

OAK ST

25TH ST

25TH ST



Case No. 15-015

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

Part 1. Property Involved.

Street Address 2337 OAK St., Bettendorf, IA

Legal Description of the property. LOT 13, BLOCK 4, BELLEVUE 2ND ADD

Part 2. Contact Information.

Applicant Name Jeffrey D. McCoy Phone 563-508-5485
Address 2337 OAK St., Bettendorf FAX _____
E-mail Address: _____

Owner Name JEFFREY D. & Hollis A. McCoy Phone 563-508-5485
Address 2337 OAK St., Bettendorf FAX _____
E-mail Address: macdesigas55@gmail.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 _____

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.

adding a 3/4 length porch to the front of the house
to cover entry way.
19' X 6' protruding into front yard

Part 6. Attachments. The following items are attached and are a part of this application.

- () 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- () 2. Legal Description. (If not shown on page 1.)
- () 3. Floor plan if internal design of building is part of application.
- () 4. List additional attachments.

Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this _____ day of _____, 20____.

Signature of Applicant [Signature] Signature of Owner [Signature]
 (The owner **MUST** indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa)
) SS
 County of Scott)

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 09th day of Feb, 2015.

[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 Polly O
 Amount \$50 Date 2-9-2015
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COMMUNITY DEVELOPMENT

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

March 12, 2015

Staff Report

Case No. 15-019

Location: 4368 – 55th Avenue

Applicant: Bob Buker

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

Request: Variance to increase the allowable garage area from 775 square feet to 875 square feet.

Background Information and Facts

The site is a vacant lot in The Lodges at Beaver Meadows Second Addition which is located north of 53rd Avenue in the area just northeast of The Springs at Bettendorf apartment complex (see Attachment A – Location Map). The proposed finished aboveground living area would allow for a 775 square foot garage which the applicant would like to increase to 875 square feet.

Staff Analysis

The proposed plan for this home is for a single-story structure with a walk-out exposed basement. Because the basement is not proposed to be finished during construction, no basement square footage can be used for calculating the allowable garage space.

If allowed, the structure will resemble the home shown on Attachment B – House Plan and Attachment C – Home Illustration.

The proposed house plan is common for the homes already built in this area. Therefore, staff feels that the request will not adversely affect the value or aesthetics of the surrounding area.

It is a common practice for new homeowners with unfinished basements to finish them in a short period of time. Many new homebuyers consider finishing the basement to be “phase two” of a new home building project. If or when the basement of the proposed home is finished, then the garage would be in compliance with the Code because of the increased finished living space that would become part of the calculation of allowable garage area to living space ratio.

Staff Recommendation

Staff feels that the intent of the ordinance will be met when the basement area of this structure is finished. While staff cannot cite a hardship, the request will likely not in any way detract from the neighborhood.

Respectfully submitted,

John Soenksen
City Planner



1 FRONT ELEVATION
A1 SCALE: 1/4"=1'-0"



2 REAR ELEVATION
A1 SCALE: 1/4"=1'-0"

Attachment - C





Case No. 15-019

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

Part 1. Property Involved.

Street Address 4368 55th AVENUE

Legal Description of the property. LOT #20 The Lodges @ BEAVER MEADOWS 2ND

ADDITION

Part 2. Contact Information.

Applicant Name BOB BULLER Phone 309-269-7546

Address 4270 TRANQUILITY CT BETT FAX _____

E-mail Address: BOB@BEAVERBUILDERS.COM

Owner Name BEAVER DEVELOPMENT INC Phone 309-269-7546

Address 4270 TRANQUILITY CT FAX _____

E-mail Address: BOB@BEAVERBUILDERS.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-1

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.

FROM FRONT 4 CAR GARAGE WILL BE IN HARMONY WITH THE NEIGHBORHOOD. THIS PROPOSED HOME IS VERY SIMILAR TO AN EXISTING HOME AD 4270 TRANQUILITY CT. NO VARIANCE WAS REQUIRED HERE AS THE BASEMENT WAS FINISHED. THE BASEMENT WILL LIKELY BE FINISHED ON THIS HOME IN NEAR FUTURE. ALSO, REQUEST TO INCREASE THE ALLOWABLE GARAGE AREA FROM 775 Sq. Ft. TO 875 Sq. Ft.

Part 6. Attachments. The following items are attached and are a part of this application.

- () 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- () 2. Legal Description. (If not shown on page 1.)
- () 3. Floor plan if internal design of building is part of application.
- () 4. List additional attachments.

Part 7. Signature.

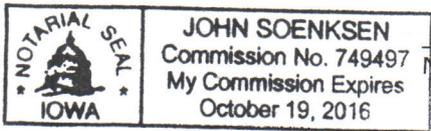
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this _____ day of _____, 20 ____.

Signature of Applicant [Signature] Signature of Owner _____
 (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 23rd day of Feb., 20 15.



[Signature]
 Notary Public in and for Scott County, Iowa

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

Received by [Signature]
 Amount \$50 Date 2-23-2015
 Check # 11,025