

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
JUNE 9, 2016
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 May 24, 2016.
4. The Board to hold a public hearing on the following items:
 - a. **Case 16-027; 4555 Utica Ridge Road (C-2)**: A request for a variance to reduce the required front yard setback for parking from 20 feet to 0 feet and to reduce the required sign setback from 20 feet to 5 feet, submitted by Katie Sommers. (Deferred from meeting of May 24, 2016)
 - b. **Case 16-035; 4112 Woodview Drive (R-2)** – A request for a variance to reduce the required rear setback from 25 feet to 15 feet to allow construction of a 16-foot by 16-foot screened porch, submitted by Heartland Builders of the Quad Cities.
 - c. **Case 16-036; 3431 Maple Glen Drive (PUD)** – A request for variance to reduce the required rear setback from 25 feet to 15 feet to allow construction of 14-foot by 14-foot deck, submitted by Ronald and Carolyn Krebs.
 - d. **Case 16-037; 2624 Rosehill Avenue (R-2)** – A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Ralph Armstrong.
 - e. **Case 16-038; 5768 New Castle Lane (R-1)** – A request for a variance to increase the allowable height of an accessory structure from 15 feet to 17 ½ feet, submitted by John O'Brien.
 - f. **Case 16-039; 2255 Falcon Avenue (C-2)** – A request for a variance to allow parking in a required front yard, submitted by Build to Suit, Inc.
 - g. **Case 16-040; 872 Tanglefoot Lane (C-6)** – A request for a variance to reduce the required rear yard setback from 50 feet to 10 feet, submitted by Tanglefoot Investors, LLC/Thomas J. Pastrnak.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND OTHER APPLICABLE FEDERAL AND STATE LAWS, ALL PUBLIC HEARINGS AND MEETINGS HELD OR SPONSORED BY THE CITY OF BETTENDORF, IOWA, WILL BE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. PERSONS REQUIRING AUXILIARY AIDS AND SERVICES SHOULD CONTACT BETTENDORF CITY HALL AT (563) 344-4000 FIVE (5) DAYS PRIOR TO THE HEARING OR MEETING TO INFORM OF THEIR ANTICIPATED ATTENDANCE.

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
MAY 24, 2016
4:00 P.M.

Voelliger called the meeting to order at 4:00 p.m.

Item 1. Roll Call

PRESENT: Falk, Gallagher, Johnson, Spranger, Voelliger

ABSENT: None

STAFF: Fuhrman, Beck, Stone, *Connors

Voelliger apologized to anyone who was inconvenienced by the delay of the public hearings scheduled for April and May.

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of March 10, 2016.

On motion by Falk, seconded by Gallagher, that the minutes of the meeting of March 10, 2016 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 16-018; 1008 – 18th Street (R-2)** – A request for a variance to reduce the required front yard setback from 25 feet to 7 feet to allow a 6-foot high fence (along 18th Street) and to allow an 8-foot high fence (along the western property line), submitted by Daniel Dimmig.

Voelliger asked if there was an affidavit of publication. Beck stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Beck reviewed the staff report. Staff report is Annex #3 to these minutes.

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

Daniel Dimmig, the applicant, commented that the previous fence was already 6 feet high along the western property line and just south of the garage. He indicated that the fence in the front yard had been 4 feet tall. He stated that there are a lot of unsavory people who ride the bus which stops near his home, some of whom visit the food pantry adjacent to his home. Dimmig stated that he has small children who play in his yard and that at times pedestrians speak to them. He indicated that the proposed fence along 18th Street would be 20 feet from the street. He stated that recently a deer had run through his yard which almost tackled him. He stated that both a deer and his dog could jump over a 4-foot high fence, adding that he has concerns about safety given the traffic along 18th Street.

Dimmig explained that there would be no way that the proposed 6-foot high fence would impede the vision of motorists at the intersection. He stated that because of the topography of the lot, he could install a 1,000-foot high fence without blocking visibility.

Johnson asked for clarification of the applicant's statement regarding visibility. Dimmig demonstrated on a photo that the 4-foot high fence section that blew over in a tornado would be installed at a lower point on the lot than the area near the house. Beck added that there is a downward slope at the intersection allowing greater visibility there.

Voelliger asked if placing the fence at the proposed setback would pose any problems with visibility as vehicles are backed out of the garage. Dimmig stated that there would be no problems as there is 20 feet of space in the driveway before entering the street.

Johnson commented that the topography of the southern portion of the lot is not necessarily relevant given the proposed placement of the fence on the northern section.

Johnson stated that owning a dog and the fact that deer may enter the applicant's yard are not legitimate hardships. She indicated that residents all over the city experience the same events at their homes. She stated that owning a dog that can jump over a fence is a self-imposed hardship. Dimmig stated that the intersection of 18th Street and Central Avenue is a busy, noisy one and is not unlike a dragstrip. He commented that replacing the fence this year was not in his budget, but that he is being forced to do so because of the tornado damage.

Johnson commented that the Board has made allowances for fences in the past and questioned whether or not that has been a common practice along 18th Street. Spranger commented that there have been previous cases for similar fences at houses located on the northern section of 18th Street. She asked if the fence that was built at the corner of 18th Street and Lindenwood Drive is 6 feet tall. Falk confirmed this.

Voelliger asked how far back from the property line the fences along 18th Street were required to be installed. Johnson stated that many of the fences in question are on properties that are through lots which have two street frontages. She added that she believes that those fences

were set back a distance from the property line, perhaps 7 or 10 feet. Spranger commented that the current request is for a fence to be located quite a few feet back from 18th Street. Beck stated that the proposed fence would be approximately 8 feet from the property line.

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 Spranger, seconded by Falk, that a variance to reduce the required front yard setback from 25 feet to 7 feet to allow a 6-foot high fence along 18th Street be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

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

Motion carried.

On motion by Spranger, seconded by Johnson, that a variance to allow an 8-foot high fence along the western property line be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. **Case 16-019; 6048 Shawnee Court (R-1)** – A request for a variance to reduce the required combined side yard setback from 20 feet to 16 feet to allow for construction of a room addition and garage, submitted by Scott Pearson.

Voelliger asked if there was an affidavit of publication. Beck stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Beck reviewed the staff report. Staff report is Annex #5 to these minutes. He suggested that any Decision and Order approving the request specify the dimensions of the proposed structures.

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

Scott Pearson, the applicant, stated that given the fact that to the rear of the home is a designated flood plain, the proposed location of the room addition and garage is the only option. He indicated that behind the existing garage is a 9-10 foot high concrete wall with a fence on it that poses a safety concern for the homeowners. He added that he plans to add fill such that there is a more gentle slope to the back yard from the driveway. Pearson stated that an additional benefit to the proposed addition is that more parking space would become available.

Voelliger asked if the additions would be placed on a full foundation. Pearson confirmed this.

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

Johnson commented that given the awkward angle of the home, the proposed construction would not constrain any plans the neighbors may have for future building additions.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required combined side yard setback from 20 feet to 16 feet to allow for construction of a room addition (13 feet 8 inches by 22 feet) and garage addition (12 feet by 22 feet) be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- c. **Case 16-020; 2550 Middle Road (C-2)** – A request for a variance to reduce the required front yard setback from 80 feet to 20 feet to allow for a 120 square foot monument sign, submitted by Mike Byington.

Voelliger asked if there was an affidavit of publication. Beck stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

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

Voelliger asked if the proposed sign would be double-sided. Beck confirmed this, adding that it would be visible to traffic from both directions along Middle Road.

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

Mike Byington, the applicant, stated that he would be available to answer any questions the Board may have.

Gallagher asked if the existing sign would be removed. Byington explained that the existing sign must be removed as a result of the city's upcoming turn lane installation project.

On motion by Falk, seconded by Spranger, that a variance to reduce the required front yard setback from 80 feet to 20 feet to allow for a 120 square foot monument sign be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

- d. **Case 16-021; 5572 Integrity Way (R-1)** – A request for a variance to increase the allowable garage area from 734 square feet to 1,040 square feet, submitted by Beaver Builders.

Voelliger asked if there was an affidavit of publication. Beck stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Beck reviewed the staff report. Staff report is Annex #9 to these minutes. He commented that the issue of allowable garage area would likely be addressed during the upcoming revision of the zoning ordinance.

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

Gallagher asked if the proposed garage and house are in compliance with setback requirements. Beck confirmed this.

Johnson commented that several similar requests have been approved within this general neighborhood.

On motion by Johnson, seconded by Gallagher, that a variance to increase the allowable garage area from 720 square feet to 1,040 square feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #10 to these minutes.

- e. **Case 16-022; 5594 Integrity Way (R-1)** – A request for a variance to increase the allowable garage area from 720 square feet to 1,140 square feet, submitted by Bob Buker.

Voelliger asked if there was an affidavit of publication. Beck stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Beck reviewed the staff report. Staff report is Annex #11 to these minutes.

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

Gallagher asked if the proposed garage and house are in compliance with setback requirements. Beck confirmed this.

On motion by Gallagher, seconded by Spranger, that a variance to increase the allowable garage area from 720 square feet to 1,140 square feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #12 to these minutes.

- f. **Case 16-024; 3911 Sparrow Court (R-3)** – A request for a variance to reduce the required rear yard setback from 25 feet to 10 feet to allow for construction of a 24-foot by 10-foot deck, submitted by Sampson Construction, Inc.

Voelliger asked if there was an affidavit of publication. Beck stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Beck reviewed the staff report. Staff report is Annex #13 to these minutes.

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

Joe Sampson, the applicant, explained that the permit for the proposed deck was approved in error and that the mistake was not caught until the final inspection rather than at the footing stage. He stated that city staff had suggested that he apply for a variance in order to prevent the presence of a non-conforming use on the property for future owners. He indicated that the deck is only one step above ground level and is more like a patio than a deck.

Falk commented that approving the variance would not establish any precedent because the Board would merely be reconciling an error. Stone commented given that the fact that the deck is already constructed, the Board recognizes that as a legitimate hardship.

On motion by Johnson, seconded by Gallagher, that a variance to reduce the required rear yard setback from 25 feet to 10 feet to allow for a 24-foot by 10-foot deck be granted in accordance with the Decision and Order and recognizing the fact that it is being granted to rectify an error of city staff.

ALL AYES

Motion carried.

Decision and Order is Annex #14 to these minutes.

- g. **Case 16-025; 3128 Marynoel Avenue (R-12)** – A request for a variance to reduce the required rear yard setback from 40 feet to 26 feet to allow for construction of a 14-foot by 16-foot room addition, submitted by Sampson Construction.

Voelliger asked if there was an affidavit of publication. Beck stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Beck reviewed the staff report. Staff report is Annex #15 to these minutes.

Falk stated that he would abstain from discussion and voting regarding Case 16-025.

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

Joe Sampson, the applicant, stated that the proposed room addition would encroach only 11 feet into the required rear yard setback. He indicated that the homeowners had originally proposed locating the room addition where the existing deck on the northern corner of the is located. Sampson explained that because of the difficulty of creating a new roof line given the hip style and peaks and valleys of the existing roof.

Voelliger asked if the room addition would be elevated above ground. Sampson explained that the addition would be 10 feet from grade level.

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

Johnson stated that the houses in the neighborhood were built specifically to take advantage of the maximum amount of buildable area available. She indicated that no hardship has been established to justify granting the variance request. Gallagher commented that the homes on the adjacent lots appear to occupy a large percentage of the lot, adding that one mitigating factor might be that there is an outlot adjacent.

Johnson asked if the Board feels that if the proposed variance request were for a house on the other side of the street, a hardship would be established. Gallagher commented that he would not support approving a similar request for a house on the other side of the street.

Voelliger commented that nothing would ever be built on the outlot and that he would like to see a homeowner be able to make the highest and best use of their property.

Voelliger asked how far the proposed addition would be from the rear property line. Beck explained that a 40-foot rear yard setback is required and that the proposed room addition would encroach 11 feet into that required setback.

Voelliger stated that the other homeowners in the neighborhood would likely make similar requests if the current one is granted.

Johnson stated that she believes that granting the variance request would establish a negative precedent which would likely cascade to other homes. She reiterated that the houses in the neighborhood were built to occupy the maximum allowable buildable area. She indicated that a proposed room addition of those dimensions would not have been allowed during the initial building stage even though there is an outlot adjacent.

Gallagher commented that while these types of cases are difficult, there is clearly no hardship in this case. He added that because no hardship has been established, the existing rules must be followed.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required rear yard setback from 40 feet to 26 feet to allow for a 14-foot by 16-foot room addition be denied in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE:	Gallagher, Johnson, Spranger
NAY:	Voelliger
ABSTAIN:	Falk

Motion carried.

Decision and Order is Annex #16 to these minutes.

- h. **Case 16-026; 5780 Jenny Lane (R-1)** – A request for a variance to increase the allowable garage area from 720 square feet to 880 square feet, submitted by Bryan Daxon and Ember Arnholz.

Voelliger asked if there was an affidavit of publication. Beck stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Beck reviewed the staff report. Staff report is Annex #17 to these minutes.

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

Bryan Daxon, the applicant, stated that the garage that is shown in the aerial photo has been demolished.

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

Waldo Arnholz, 5839 Little Lane, expressed support for the request. He indicated that most of the homes in the area have 3- to 4-car garages so that the proposed home would blend well with the neighborhood.

On motion by Spranger, seconded by Johnson, that a variance to increase the allowable area of a garage from 720 square feet to 880 square feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #18 to these minutes.

- i. **Case 16-027; 4555 Utica Ridge Road (C-2)** – A request for a variance to reduce the required front yard setback for parking from 20 feet to 0 feet and to reduce the required sign setback from 20 feet to 5 feet, submitted by Katie Sommers.

Voelliger asked if there was an affidavit of publication. Beck stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Beck reviewed the staff report. Staff report is Annex #19 to these minutes.

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

Jay Sommers, the applicant's husband, explained that the reason for the request is that there is no off-street parking available to serve the site. He indicated that he does not anticipate that Utica Ridge Road or Crow Creek Road would be widened at any point in the near future, adding that a site plan showing two rows of parking along the Utica Ridge Road side had already been approved many years ago.

Beck indicated that he had received an email expressing opposition to the request from a homeowner much further down Utica Ridge Road.

Voelliger asked how far the parking spaces would be from the sidewalk area. Sommers stated that there would be a 7-foot wide greenspace buffer between the sidewalk and the parking spaces. Voelliger asked if the sign is proposed to be located in that greenspace. Sommers stated that the sign would be placed where one of the parking spaces would be located.

Voelliger asked if the proposed sign would impede the vision of any motorists. Gallagher stated that the sign would not obstruct anyone's vision as it would be located in one of the parking spaces. Beck added that the proposed sign would not interfere with the required vision triangle. Gallagher commented that there are several locations where the sign could be located without encroaching into the vision triangle. Sommers stated that the proposed sign location would likely be the same as the existing sign's location.

Johnson stated that the originally approved site plan indicated that there would be 80 parking spaces on the site. She questioned why those 80 spaces are not currently on the site. Johnson explained that while she understands that the original site plan with two rows of parking along the Utica Ridge Road side was approved, the plan also shows a 20-foot setback between the property line and those parking spaces. She stated that the request is to reduce that setback to 0 feet and asked for some clarification as to the dimensions of the proposed greenspace and the parking stalls. Falk commented that the staff report indicated that the building was not placed on the site according to the originally approved site plan which would account for some of the discrepancy between the original 20-foot setback and the proposed 0-foot setback. Johnson asked why the building was allowed to be built in contravention to the approved site plan. Beck indicated that he is unaware of what had transpired when the building was built as it was so many years ago.

Johnson asked for an exact dimension of the distance that would be between the parking spaces and the sidewalk. She indicated that the Sommers had indicated that there would be a 7-foot space while the agenda indicates a request for a 0-foot setback.

Spranger asked how many feet the building was built further west than as indicated on the approved site plan.

Voelliger asked how far the property line is from the sidewalk. Beck stated that it is approximately 1-foot back from the sidewalk. Voelliger stated that he would not be in favor of allowing the parking spaces to be installed only 1 foot from the sidewalk.

Johnson stated that it appears as though the front yard parking for the church located to the north is approximately 10 feet from the sidewalk. She added that the parking lot to the south appears to meet the required 20-foot setback. She questioned why the required amount of parking was not installed originally.

Spranger suggested that the Board request more information from the applicant including specific dimensions of the parking spaces and the area between the sidewalk and the spaces. Sommers stated that the parking arrangement would be similar to that of the church to the north. Johnson asked if the Board could approve the request conditioned on the fact that there is a 7-foot greenspace between the sidewalk and the edge of the pavement. Voelliger questioned whether there would be enough room for parking stalls and a 7-foot greenspace area. Beck indicated that typically the city requires a 25-foot driving aisle. Johnson commented that a parking space would have to be 19 feet deep in order to prevent a vehicle from overhanging the sidewalk.

Falk commented that it appears as though the building was built in a different place than originally planned and that the street has been widened since then. He commented that the original site plan is mostly irrelevant. Johnson asked if there was any right-of-way acquisition associated with the Utica Ridge Road widening. Beck stated that a turn lane was installed but that he is unsure if any additional right-of-way was taken.

Katie Sommers, the applicant, submitted photos of examples of the proposed sign.

Voelliger asked if there would be 7 feet of greenspace between the sidewalk and the parking spaces. Sommers confirmed this.

Falk asked why the applicant had requested a reduction in the required setback to 0 feet if there is going to be 7 feet of greenspace between the spaces and the sidewalk. He asked if a reduction in the required setback to 7 feet would accommodate the applicant's proposed plans for increasing the amount of parking on the site. He commented that this might be more palatable to the Board members. Johnson added that a 0-foot setback is not in keeping with the character of the corridor. Falk concurred.

Gallagher asked if a 7-foot setback would work for the applicant. Sommers indicated that she would have to re-work the dimensions to determine if the parking spaces and greenspace would fit. She commented that she had placed the sign in one of the parking spaces so that it would not be so close to the sidewalk. Gallagher commented that the sign could be relocated closer to the building. Johnson stated that the sign is proposed to be set back 5 feet similar to the one at Miller Meier. She commented that it is reasonable to apply the same standard as the previous case. She expressed concern about the request for a 0-foot parking setback. Beck commented that the area between the sidewalk and the existing parking spaces tapers as you move further north. He indicated that it is likely that the parking spaces on the south side would allow for a 7-foot greenspace, adding that it becomes more difficult to maintain that distance the further north you travel. Gallagher stated that it is likely that the parking spaces on the northern end would be close to a 0-foot setback.

Stone stated that the request is for a 0-foot setback which would allow the spaces to be located 1 foot from the sidewalk. She indicated that if the Board feels that more information is necessary, the case could be deferred to the next regular meeting so that the applicant can provide a more detailed parking plan.

Voelliger stated that he would be in favor of deferring the case until more information is available. Spranger concurred, adding that a more detailed site plan is required to make a decision. Johnson requested that the applicant submit a parking plan showing precise dimensions. Gallagher commented that several of the parking spaces on the north side would likely not be allowed to be installed because there is not enough room. Johnson suggested that one of those spaces could be used for a sign location. Sommers stated that she would submit a more detailed drawing so that the Board can make a decision at the next meeting.

On motion by Johnson, seconded by Falk, that a variance to reduce the required front yard setback for parking from 20 feet to 0 feet and to reduce the required sign setback from 20 feet to 5 feet be deferred until such time as a detailed site plan showing dimensions is available.

ALL AYES

Motion carried.

- j. **Case 16-028; 4287 Happiness Lane (R-12)** – A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Bob Buker.

Voelliger asked if there was an affidavit of publication. Beck stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Beck reviewed the staff report. Staff report is Annex #20 to these minutes.

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

*At this time Connors arrived.

Bob Buker, the applicant, stated that he had had the fence built according to what he thought was the required setback. He indicated that his contractor didn't measure at the back corner, adding that the fence encroaches 4-5 feet into the required setback for a 20-foot distance. He stated that rather than measuring, the contractor sited the location of the fence. He stated that the fence does not impede anyone's visibility.

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

Johnson stated that the Board does not typically approve requests for 6-foot high fences in required front yards on residential streets. She indicated that approval of those requests are usually only made for high-traffic areas.

Voelliger asked if there are any other 6-foot high fences in similar neighborhoods. Beck stated that typically 6-foot high fences are only allowed on collector and arterial streets or on through lots. Connors stated that construction on the fence was undertaken without benefit of a permit. He indicated that the fence encroaches into the required setback and that the contractor was told to stop work at that time. He reiterated that 6-foot high fences are usually only allowed on through lots and in high-traffic areas. He stated that normal course of action is not to approve fences in these locations. Voelliger commented that if the fence is allowed, a precedent would be set.

On motion by Johnson, seconded by Gallagher, that a variance to allow a 6-foot high fence in a required front yard be denied in accordance with the Decision and Order.

ROLL CALL ON MOTION

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

Motion carried.

Decision and Order is Annex #21 to these minutes.

- j. **Case 16-029; 17 Grove Park Circle (R-5)** – A request for a variance to reduce the required rear yard setback from 25 feet to 22 feet to allow for construction of an 8-foot by 14-foot deck, submitted by Shenea Brockman.

Voelliger asked if there was an affidavit of publication. Beck stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Beck reviewed the staff report. Staff report is Annex #22 to these minutes.

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

Ken Brockman, the applicant, stated that the proposed deck would be used mostly as a landing area to the patio. He added that is not in the sight line of any of the neighbors.

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

Gallagher commented that the request is different from the earlier request for a room addition as a deck is not considered to be a part of the house. Johnson stated that the deck is a much less substantial structure.

Brockman indicated that the homeowner's association will also be required to approve the request.

On motion by Gallagher, seconded by Spranger, that a variance to reduce the required rear yard setback from 25 feet to 22 feet to allow for construction of an 8-foot by 14-foot deck be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #23 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 _____

Greg Beck, City Planner



COMMUNITY DEVELOPMENT

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

May 12, 2016

Staff Report

Case No. 16-027

Location: 4555 Utica Ridge Road

Applicant: Katie Sommers

Zoning Designation: C-2, Community Shopping District

Request: Variance to reduce the required front yard setback for parking from 20 feet to 0 feet and to reduce the required sign setback from 20 feet to 5 feet.

Background Information and Facts

The site is located at the southeast corner of Utica Ridge Road and Crow Creek Road (see Attachment A – Location Map). The applicant would like to add parking and a business sign within the front setback.

Staff Analysis

PARKING

The applicant would like to add a row of parking spaces in the required front yard adjacent to Utica Ridge Road (see Attachment B – Parking Request). If allowed, the parking configuration would be similar to that of Christ’s Family Church which is located north of the site in Davenport (also shown on Attachment B). The original site plan for the property showed parking in the general vicinity of where it is now being proposed (see Attachment C – Site Plan). The parking adjacent to Utica Ridge Road was never actually installed, and it also appears that the building is closer to Utica Ridge Road than was originally planned as shown on the site plan (see Attachment D – Omitted Parking Illustration). Because the building was built closer to Utica Ridge Road than indicated on the site plan a variance is required for the front yard parking. There is a 25-foot separation between the two rows of parking to the rear (east) of the building to allow vehicles to back out of the parking spaces safely without striking vehicles parked behind. If the variance is granted, the same separation will be allowed in the front (west) of the building allowing the same safety margin (see Attachment E – Parking Separation).

While not routine, there is precedence for allowing parking within the required front setback. There is front yard setback parking at:

- Hy-Vee on Devils Glen Road (Attachment F)
- Duck Creek Plaza on Middle Road (Attachment G)
- Several businesses on 18th Street (Attachment H)

The real estate business on the site is seeing significant expansion, and there is a need for expanded parking. From a parking standpoint, the site is landlocked and on-street overflow parking is not an option. Parking is prohibited on Utica Ridge Road and on Crow Creek Road. The nearest available on-street parking is located on Bunker Hill Drive and would require customers to walk a distance of over 500 feet to access the business. Staff does not want to encourage parking for a business in a residential area and on-site parking for a business is far more desirable. Staff is encouraging the applicant to address the parking problem on-site. If allowed, the parking plan will be similar to neighboring parking as listed above.

If allowed, staff would suggest some type of planting buffer between the parking and the sidewalk adjacent to Utica Ridge Road.

SIGN LOCATION

One of the new parking spaces shown on Attachment B would be eliminated to accommodate the relocation of the business sign.

The proposed placement of the new sign, within 5 feet of the front property line, would match the placement of the existing sign next door at Miller-Meier Limb and Brace at 4505 Utica Ridge Road. That sign was approved by a previous variance. Therefore, if approved, the sign placement will also be similar to the existing conditions of the neighborhood.

The applicant is looking at several potential sign designs. All of the potential designs appear to be compatible with other existing signs on the Utica Ridge Commercial Corridor (see Attachment I – Sign Illustrations).

Staff Recommendation

The applicant has expressed an urgent need for additional parking. Due to the constraints of the site and total lack of available off-site parking, the parking and sign placement plan appears to be the only alternative available..

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



COMMERCE BLVD

UTICA RIDGE RD

PROGRESS DR

VILLAGE DR

CROW CREEK RD

SITE

BUNKER HILL DR

SQUIRE CT

TERRACE PARK DR

Hospital



CROW CREEK RD

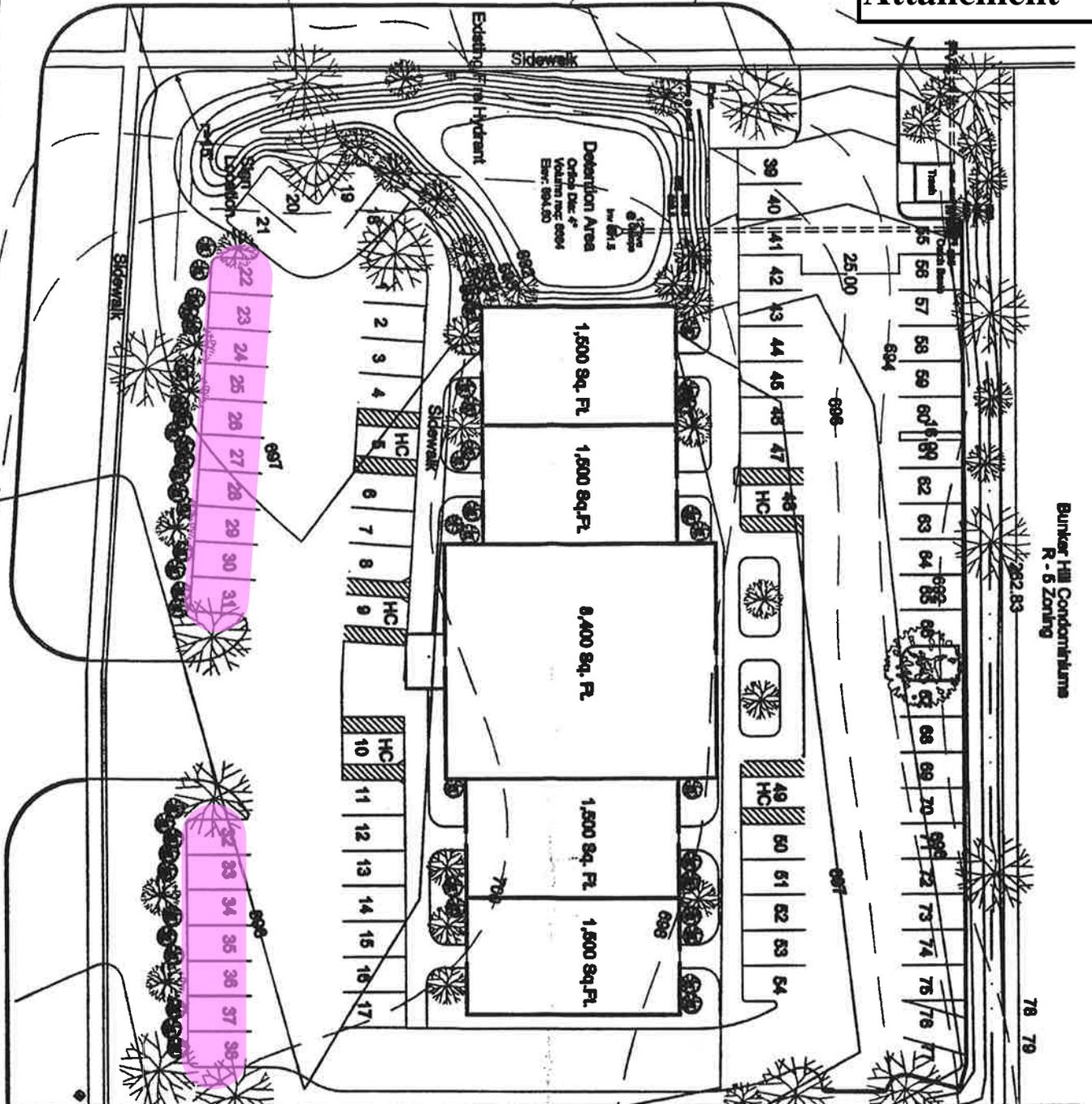
CROW CREEK RD

UTICA RIDGE RD

5' set back
on sign

7

5' set back



Bunker Hill Condominiums
R - 5 Zoning

Site Plan for

RE/MAX Centre

Re/Max River Cities

Developer:

Swanwick Development
Tom Swanwick
2395 Tech Drive
Bettendorf, Iowa
319332-9900



Site: 68,680.0 Square Feet Zoning: C - 2

Legal: Lots 1, 2 & 3 of the replat of Lot 77 Terrace Park

Building: 14,400 Square Feet, 10,200 first floor, 4,200 Second Floor

Parking Required: For retail sales 80 spaces, for offices 48

Parking provided 76 spaces. Office use is proposed for the building

Front yard setbacks on Utica Ridge and Crow Creek Roads: 20 Feet

Side yard setback to corner: 5 required 10 provided

Trash area to be screened.

Curb to be provided along east parking lot boundary to direct drainage to the hydrant for the detention pond.

Note: The City has indicated that in the event that Utica Ridge Road is improved that there is a chance that the entrance on Utica Ridge will be a right turn iv right turn out access. The front parking lot is for customers and the rear lot is for employees. No cut through is being proposed.

Emergency turn areas are provided.

Note: All walkways will have access ramps across drives.

Miller - Meier
 C - 2 Zoning
 Scale: 1" = 20'
 North

Design & Development Group Ltd.
 1225 East River Drive, Suite 108
 Des Moines, Iowa 50319
 Phone: 515-281-3119
 Fax: 515-281-3080

New fire hydrant to be installed in the future by others.

UTICA RIDGE RD

Parking Never Installed As Planned

Attachment - D



Attachment - E

UTICA RIDGE RD

25'

25'



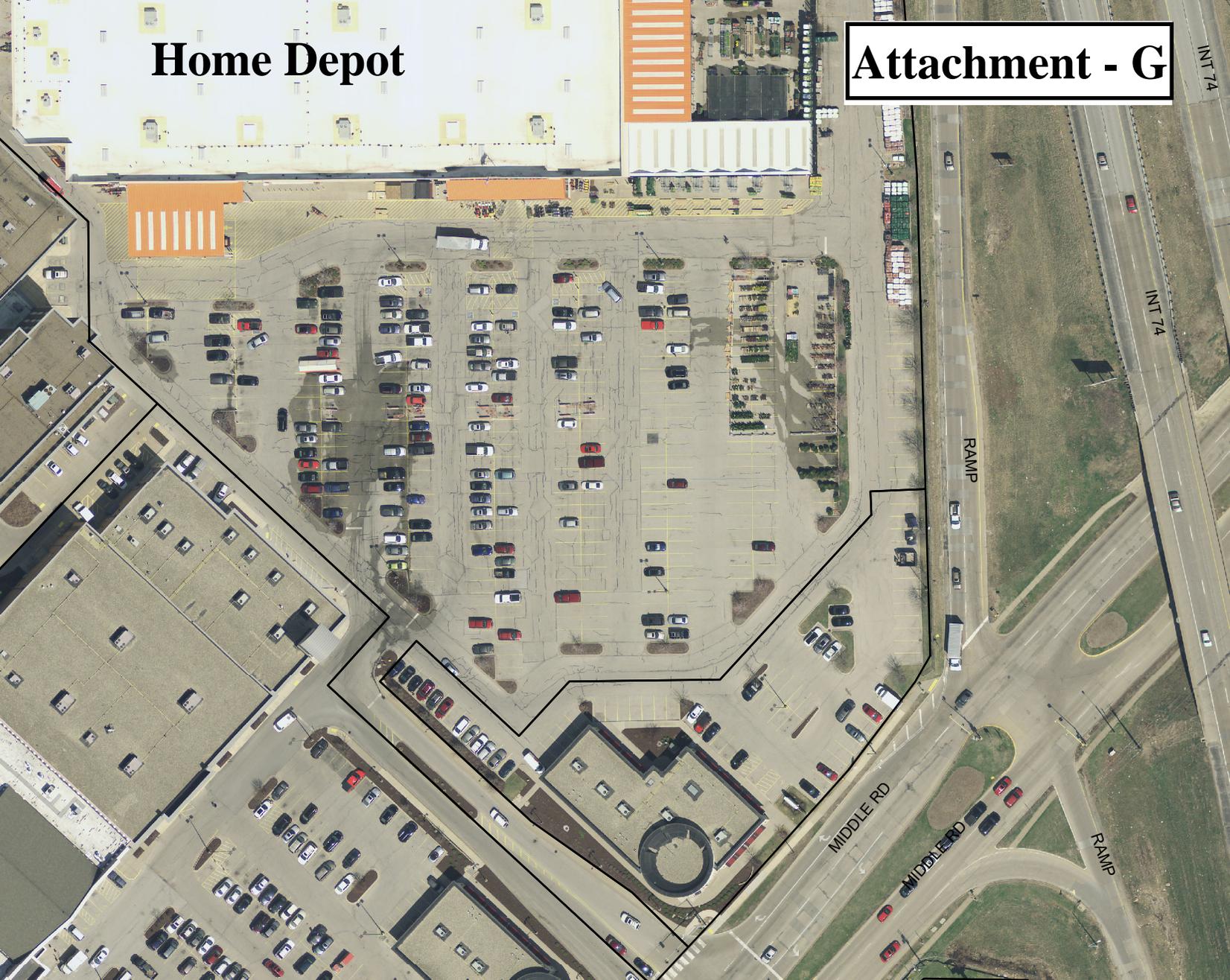
Attachment - F

HyVee



Home Depot

Attachment - G



Attachment - H

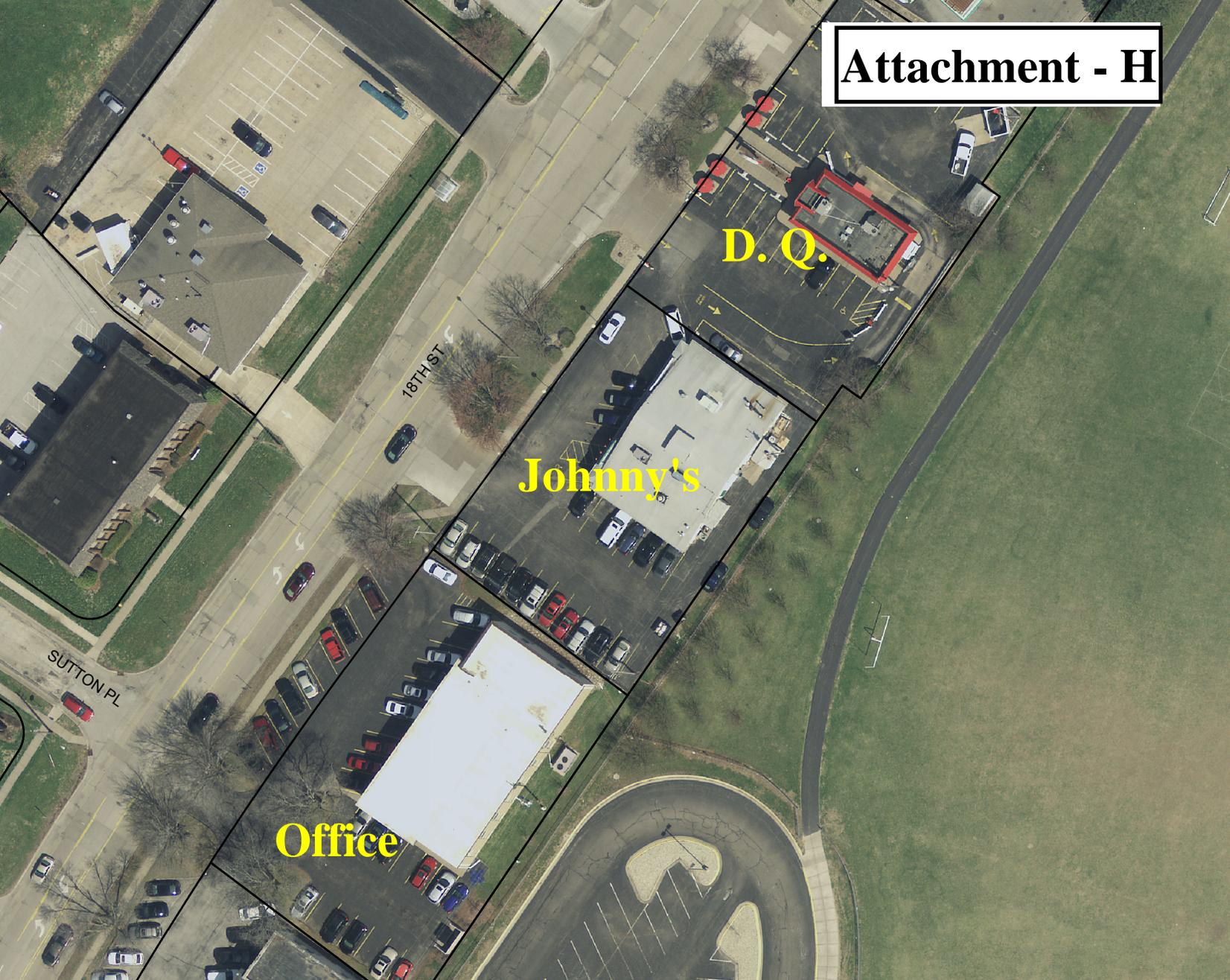
D. Q.

Johnny's

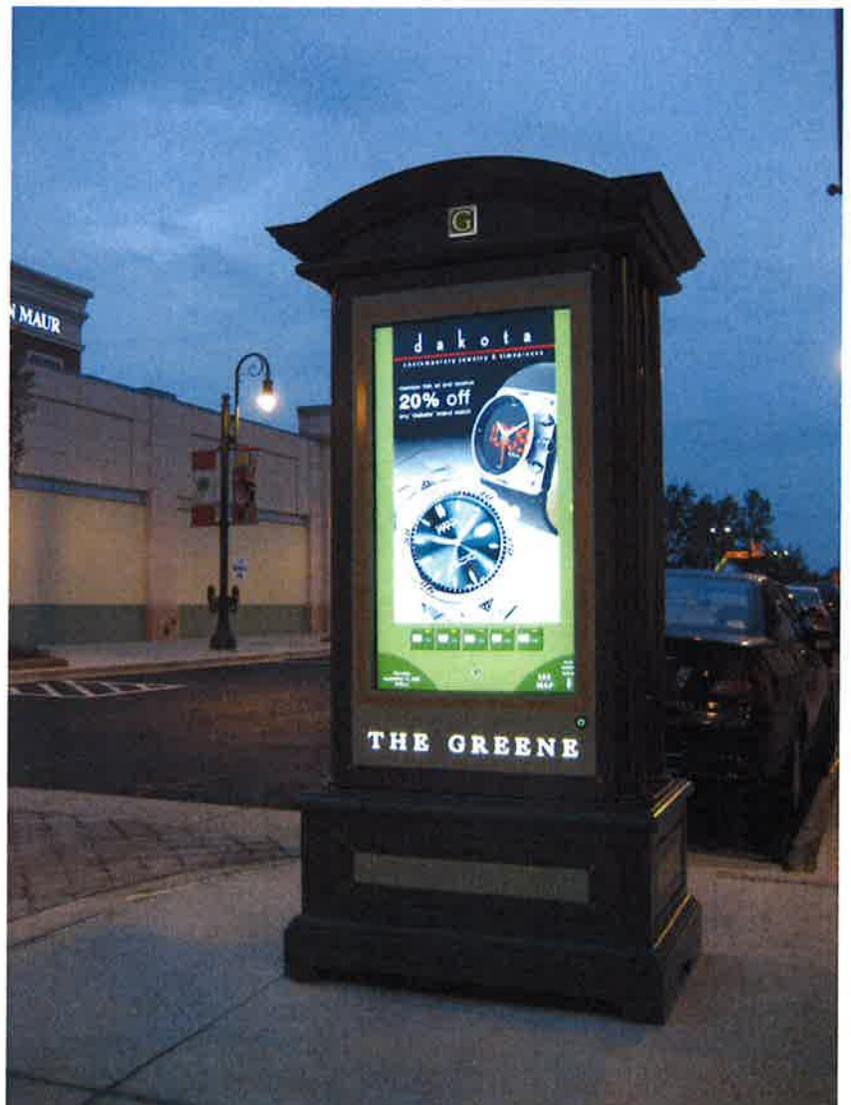
Office

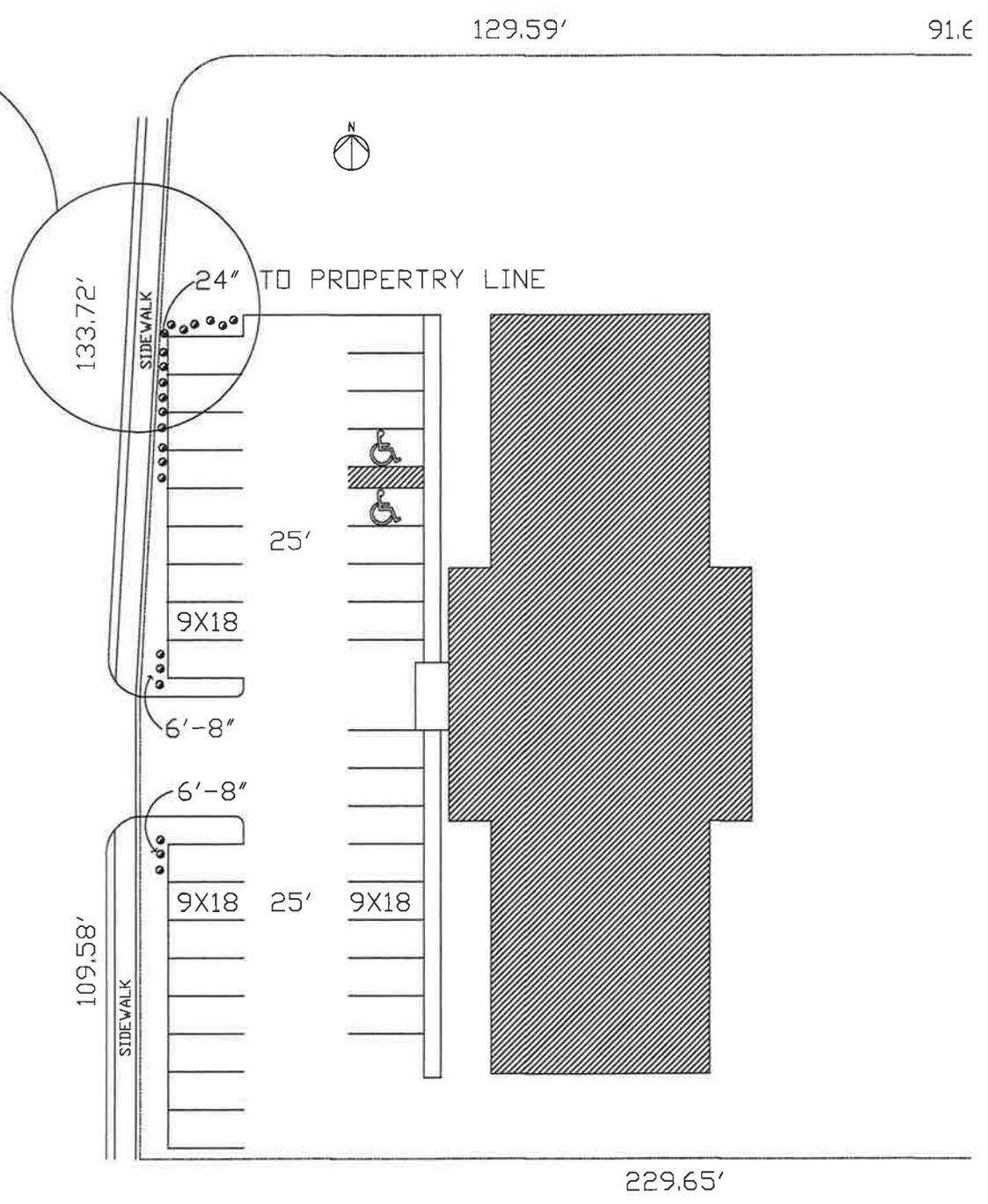
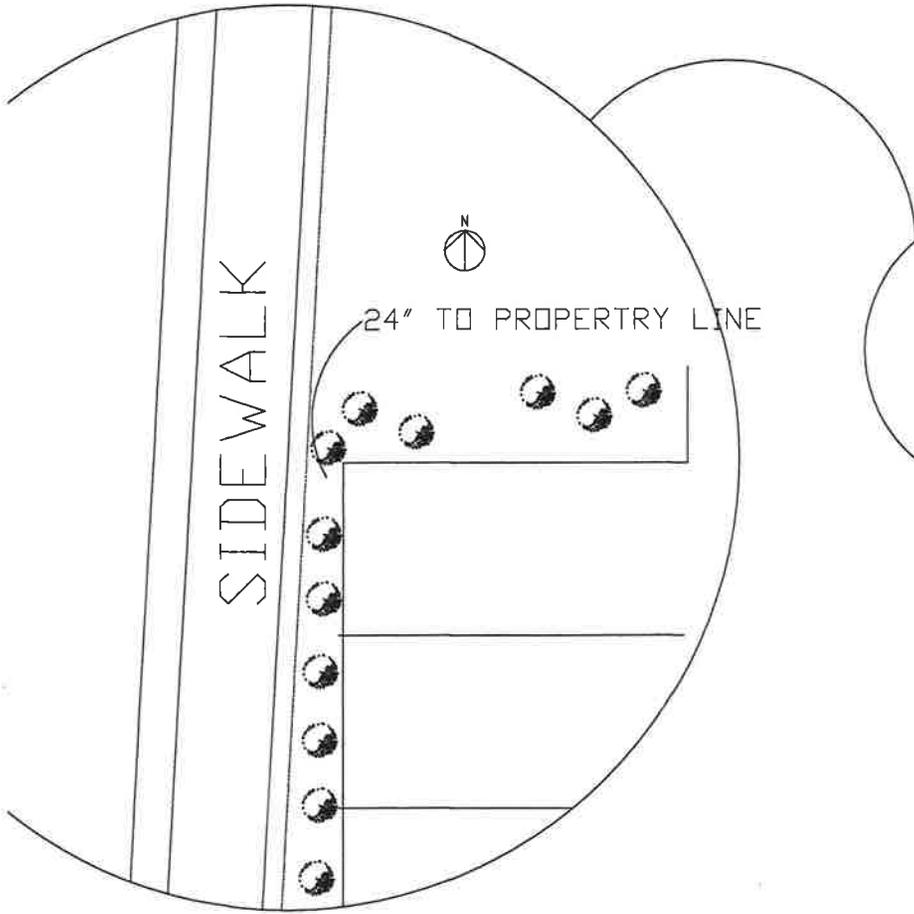
18TH ST

SUTTON PL



Attachment - I





Case No. 16-027

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

Part 1. Property Involved.

Street Address 4555 Utica Ridge Road Bettendorf IA, 52722

Legal Description of the property. Terrace Park replat lot 001 Terrace Park ADD replat lot 77 lots 1, 2, 5 EX E 15'

Part 2. Contact Information.

Applicant Name Katie Sommers Phone 563-579-7244

Address 4555 Utica Ridge Rd FAX 563-332-6631

E-mail Address: katie.sommers@hotmail.com

Owner Name Katie Sommers Phone 563-579-7244

Address 4555 Utica Ridge Rd. FAX 563-332-6631

E-mail Address: katie.sommers@hotmail.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.

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.

additional parking needs for growing business and a new marketing sign. Request to reduce the front setback for parking from 20-feet to zero feet and to reduce the front setback for signs from 20-feet to five 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 26 day of April, 20 16.

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 26th day of April, 20 16.



[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 \$100. Date 4/27/16



COMMUNITY DEVELOPMENT

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

June 9, 2016

Staff Report

Case No. 16-035

Location: 4112 Woodview Drive

Applicant: Heartland Builders of the Quad Cities

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

Request: Variance to reduce the required rear yard setback from 25 feet to 15 feet to allow construction of a 16-foot by 16-foot screened porch.

Background Information and Facts

The site is located in Deerbrook Heights 2nd Addition at the point where Woodview Drive curves around toward Deerwood Drive (see Attachment A – Location Map). The most direct way to get to the site is:

- From Devils Glen Road turn (east) onto Deertrail Road.
- Turn (east) onto Treeline Drive.
- Turn (south) onto Birchwood Drive.
- Turn (east) onto Woodview Drive.

Staff Analysis

The applicant would like to replace an existing deck on the rear of the house with a larger (16-foot by 16-foot) screened porch (see Attachment B – Plot Plan).

The entirety of the existing structure was built within the required 25-foot rear yard setback. Staff researched the structure placement and could not find any documentation explaining the setback discrepancy. As submitted on the 1995 building plans, the house was originally intended to be set back 44 feet from the rear property line. No variance was ever granted to allow the existing structure or the deck to encroach into the required rear yard. The structure is currently within 20 feet of the rear property line. If allowed, the screened porch will only be slightly larger than the existing deck and only slightly closer to the rear property line than the existing structure.

The intent of rear setback is to ensure proper separation between homes and structures from one property to an adjacent property. Directly behind this site is a very large

Outlot (see Attachment C – Outlot A Illustration). The Outlot contains nearly 3 acres of land and averages 419 feet deep behind the site providing a substantial separation between the rear of this house and any adjacent structure to the north (rear) of this site.

Staff Recommendation

While staff cannot identify a hardship, approving the request will only authorize a small additional encroachment into the rear yard setback than already exists and will bring the existing nonconforming structure into compliance. The current structure has existed since 1995 and has not posed any adverse impact upon the surrounding area.

Respectfully submitted,

John Soenksen
City Planner

SITE



TREELINE DR

BIRCHWOOD DR

BROOKWOOD LN

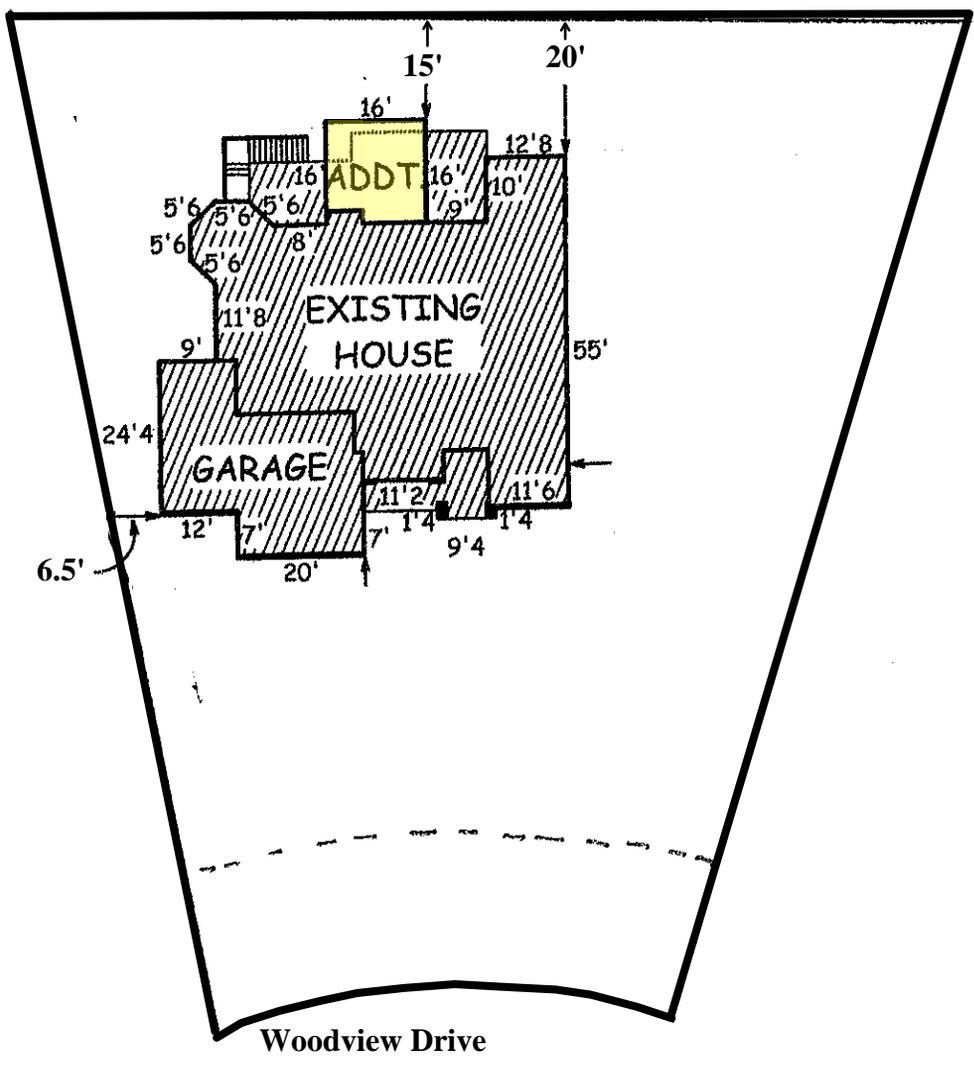
WOODVIEW DR

PLUM TREE RD

DEERWOOD DR

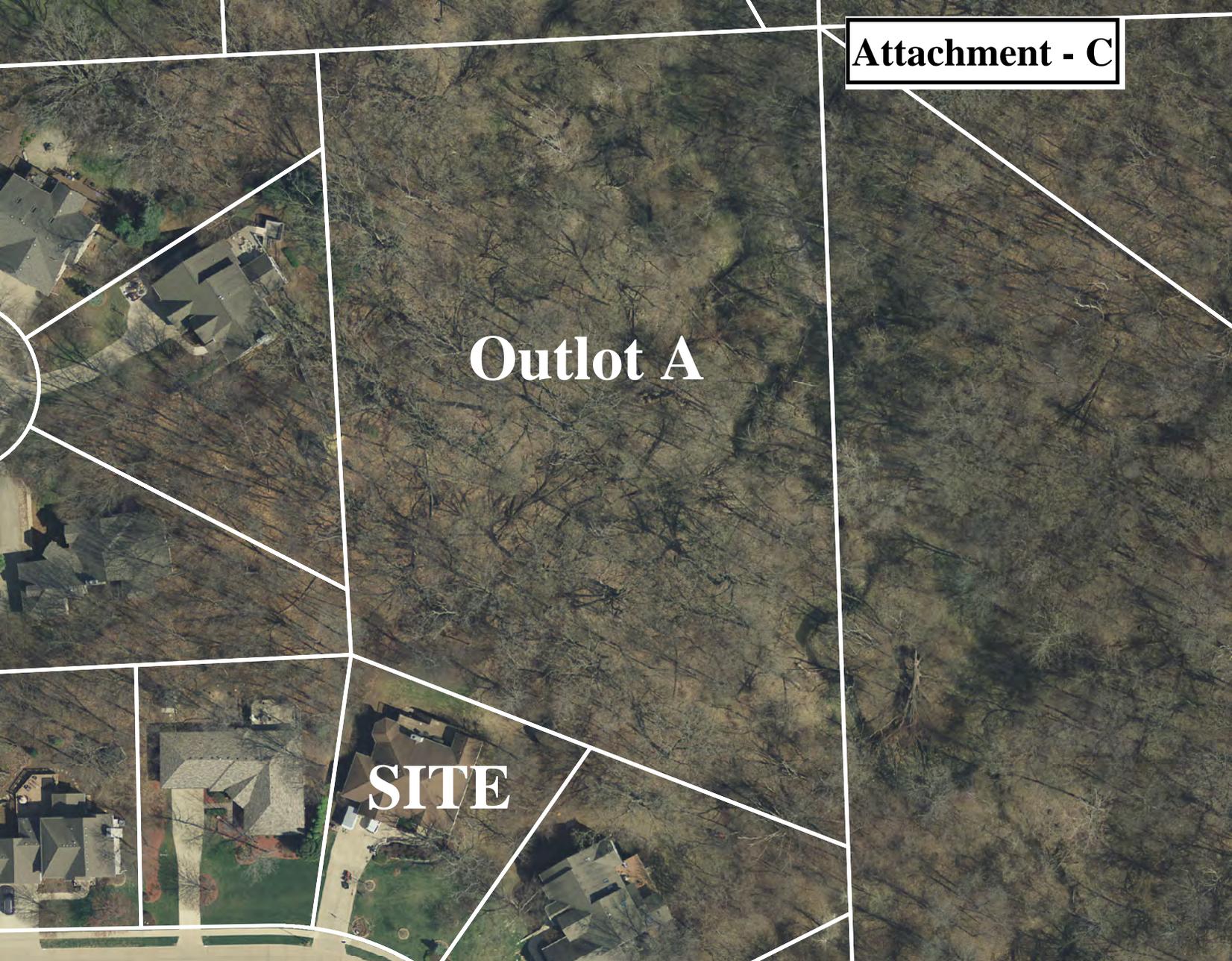
DUCK CREEK ENTRANCE BIKE PATH

WEINDRUCHT RD



Outlot A

SITE





Case No. 16-035

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

Part 1. Property Involved.

Street Address 4112 WOODVIEW Drive

Legal Description of the property. LOT 6 Deerbrook Heights 2nd

Part 2. Contact Information.

Applicant Name Heartland Builders of the Quad Phone 563-370-5330

Address 1595 Deerwood Dr Bettendorf FAX _____

E-mail Address: Builder@earthlink.net

Owner Name Brian + Dana Ivers Phone 563-340-1478

Address 4112 WOODVIEW DR FAX _____

E-mail Address: B.IVERS@GMAIL

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.)



COMMUNITY DEVELOPMENT

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

June 9, 2016

Staff Report

Case No. 16-036

Location: 3431 Maple Glen Drive

Applicant: Carolyn Krebs

Zoning Designation: Planned Unit Development

Request: Variance to reduce the required rear setback from 25 feet to 15 feet to allow construction of a 14-foot by 14-foot deck.

Background Information and Facts

The applicant's property is the third condominium unit west of the intersection of Belmont Road and Devils Glen Road (see Attachment A – Location Map). Previously each condominium building (2 units) in the Maple Glen subdivisions shown on Attachment A was on a single lot. The fact that each condominium unit did not have a specific lot created a problem when the owners attempted to sell or refinance their mortgage for the property. Recently the entire area was re-platted as Maple Glen 4th Addition, and each unit (condominium) was assigned to an individual lot (see Attachment B – New Lots Illustrated and Attachment C – P & Z minutes).

Staff Analysis

Before the Maple Glen subdivisions were re-platted, many of the lots were non-conforming because decks and room additions have been added over the years which encroached into the required rear yard setback. During the replatting, plat notes were established to address those nonconformities.

The applicant now wants to add a rear deck similar to others that have been built in the subdivision. Since no plat note was established to address future decks or room additions, a variance is required for the current request.

The applicant would like to add a 14-foot by 14-foot deck to the rear of the unit that would be within 15-feet of the rear property line (see Attachment D – Plot Plan). The governing homeowner's association has reviewed and approved this request pending the Board's granting a variance.

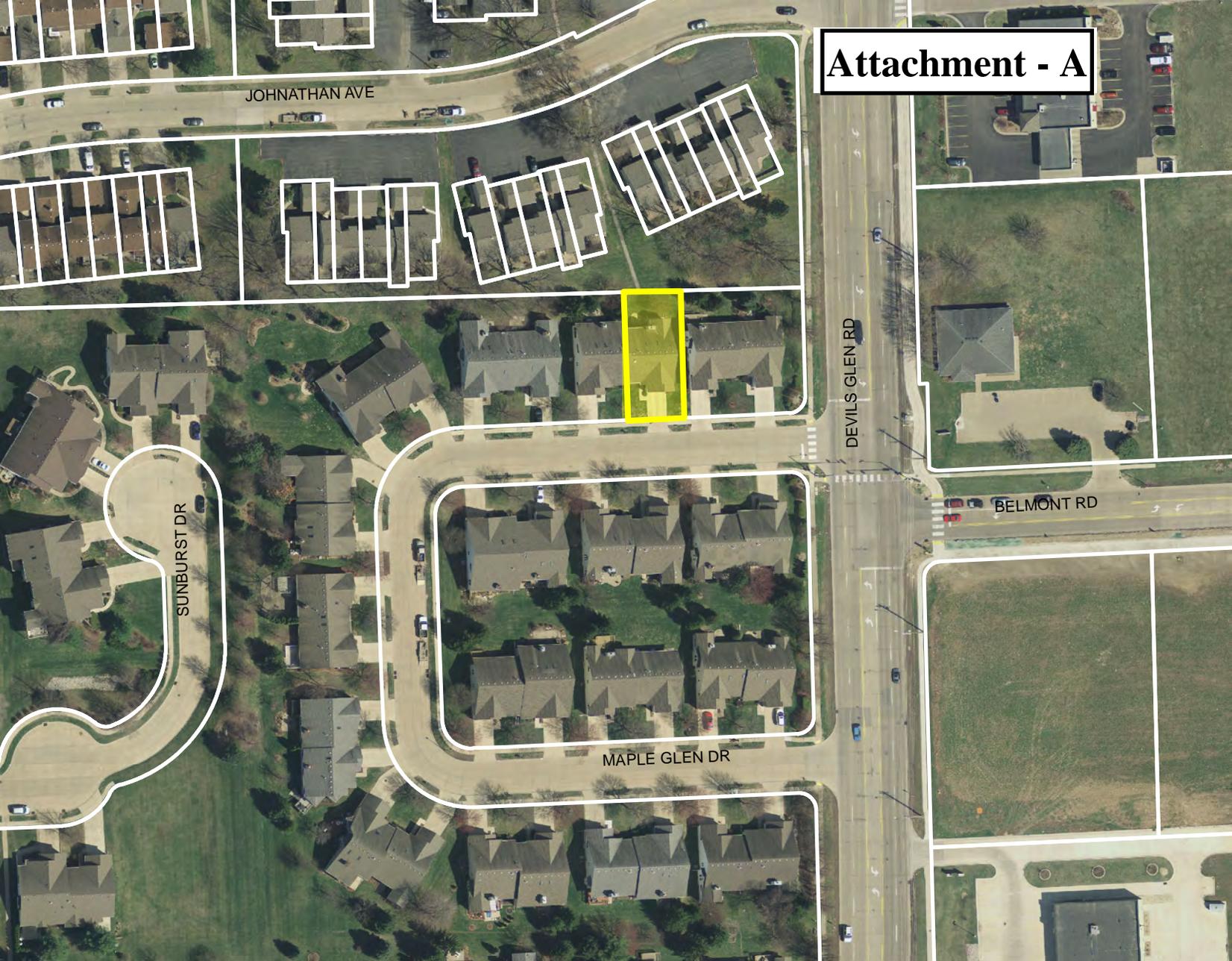
Staff Recommendation

This is a unique situation that was not self-imposed by the applicant. The proposed deck is similar to other existing encroachments into required rear yards in the subdivision.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



JOHNATHAN AVE

SUNBURST DR

MAPLE GLEN DR

DEVILS GLEN RD

BELMONT RD

Attachment - B

File Edit View History Bookmarks Tools Help

Results of Parcel Search Scott County, Iowa

maps.scottcountyiowa.com/?pin=8415518A15

Type in a Parcel, Owner, Address, Sec

104.17 60.41 48.32 49.64 50.38 46.01 66.08 95.42

151.78 116.96 115.24 114.29 113.32 111.43 95.42

3439 3437 3435 3433 3431 3429 3427

36.33 5.7 45.35 48.9 49.75 50.25 45.88 49.4 23.28

MAPLE GLEN DR

37.44 41.87 51.4 49.31 50.69 44.39 50.33

2465608.377, 581565.408 Sidwell Scott County

Windows taskbar: ArcGIS 10.1..., Inbox - Mic..., Flood Zone..., LisaF Word..., 16-036 - 34..., Scott Count..., 1:55 PM 6/1/2016

Planned Unit Development/Final Plat

5. Case 15-069; The entirety of Maple Glen First Addition, Maple Glen Second Addition, and Maple Glen 3rd Addition, R-3 and R-4 to PUD, submitted by Patricia Cresap.
6. Case 15-051; Maple Glen 4th Addition, submitted by Maple Glen Condominium Homeowners Association.

Beck reviewed the staff reports.

Wennlund asked if it was the understanding of the residents that their rear yards were considered to be common area and therefore not subject to setback requirements. Beck confirmed this. Wennlund stated that while that misunderstanding may explain why some decks were built which encroach into the required rear yard, it does not clarify why several of the lots have front yard setback issues. Beck explained that whoever established the condominium development did not take front yard setbacks into consideration in some cases.

Wennlund asked what would prevent this from occurring again. Beck stated that in order to revise the lots lines a replat would have to be submitted and approved by the city. He indicated that in the past developers have recorded documents with regard to subdivision reconfiguration without first presenting them for approval to the city. He added that in this case, the city staff has no knowledge of what types of plat changes have been recorded until something like this situation brings them to light. Beck stated that the only way to prevent this unauthorized recording of plat changes is for the city to receive some sort of notification from the County Recorder when a developer, engineer, or surveyor submits that type of document to them.

Stoltenberg asked where the application and approval of a building permit occurs in this type of development process. Beck explained that the building permits show that the construction was according to the requirements of the original platting documents. He indicated that at that time it was mistakenly assumed that there were common areas when in reality each 2-unit building was placed on a single lot. Beck stated that the plat of Maple Glen 4th Addition will remedy that issue by assigning each individual unit, not each building, its own lot. Beck stated that all of the ordinance violations have been enumerated and suggested that the Commission recommend approval based on the correction of these items so that the City Council is fully aware.

Kappeler asked if there would be any common area in the proposed subdivision. Beck stated that even though the residents believed that there was common area, that was not technically the case. He added that this will not change as a result of the new plat.

Stoltenberg asked if there is adequate room for a new building to be built on the vacant lot off of Sunburst Drive. Beck stated that this lot is the only one left undeveloped. Kappeler asked if that area is a part of an adjoining lot. Beck explained that that is not the case, adding it is platted separately from the remainder of the developed lots.

Wennlund asked if a homeowner whose property is not currently in compliance with ordinance requirements would be allowed to rebuild a structure such as a deck if it was destroyed by fire. Beck confirmed this, adding that the deck would be allowed to be reconstructed only if it were built to the exact specifications of the original deck and in the same footprint. He suggested that the Commission may wish to include that provision in any motion.

Rafferty asked if any decks beyond what currently exist would be allowed to be constructed. Beck stated that a new deck could only be built if it did not encroach into any required yard. Connors added that if the Association chooses, the residents could request that the PUD plan be amended in the future. Rafferty commented that the Commission is approving the PUD plan in order to make the residents whole by forgiving the existing ordinance violations but not allowing any further construction that is not compliant with the zoning ordinance.

Kappeler asked how a homeowner would be made aware of these limitations. Rafferty commented that hopefully the Association would make residents aware. Connors added that hopefully the residents would make application for a building permit for any new construction so that city staff could inform residents of the ordinance requirements.

Wennlund asked if a deck could be constructed as long as it does not encroach into a required yard without Board of Adjustment action. Beck confirmed this.

Stoltenberg asked what restrictions would be placed on the remaining vacant lot if a homeowner chose to build a home there. Beck stated that a front yard and rear yard setback of 22 feet would be imposed.

Bennett asked if the undeveloped lot is a part of any common area. Beck explained that it is not, adding that it is a lot of record.

On motion by Kappeler, seconded by Rafferty, that the rezoning of Maple Glen First Addition, Maple Glen Second Addition, and Maple Glen 3rd Addition from R-3 and R-4 to PUD be recommended for approval subject to staff recommendations and the condition that any further development be subject to ordinance requirements in force at the time of construction and not to exceed existing conditions.

ALL AYES

Motion carried.

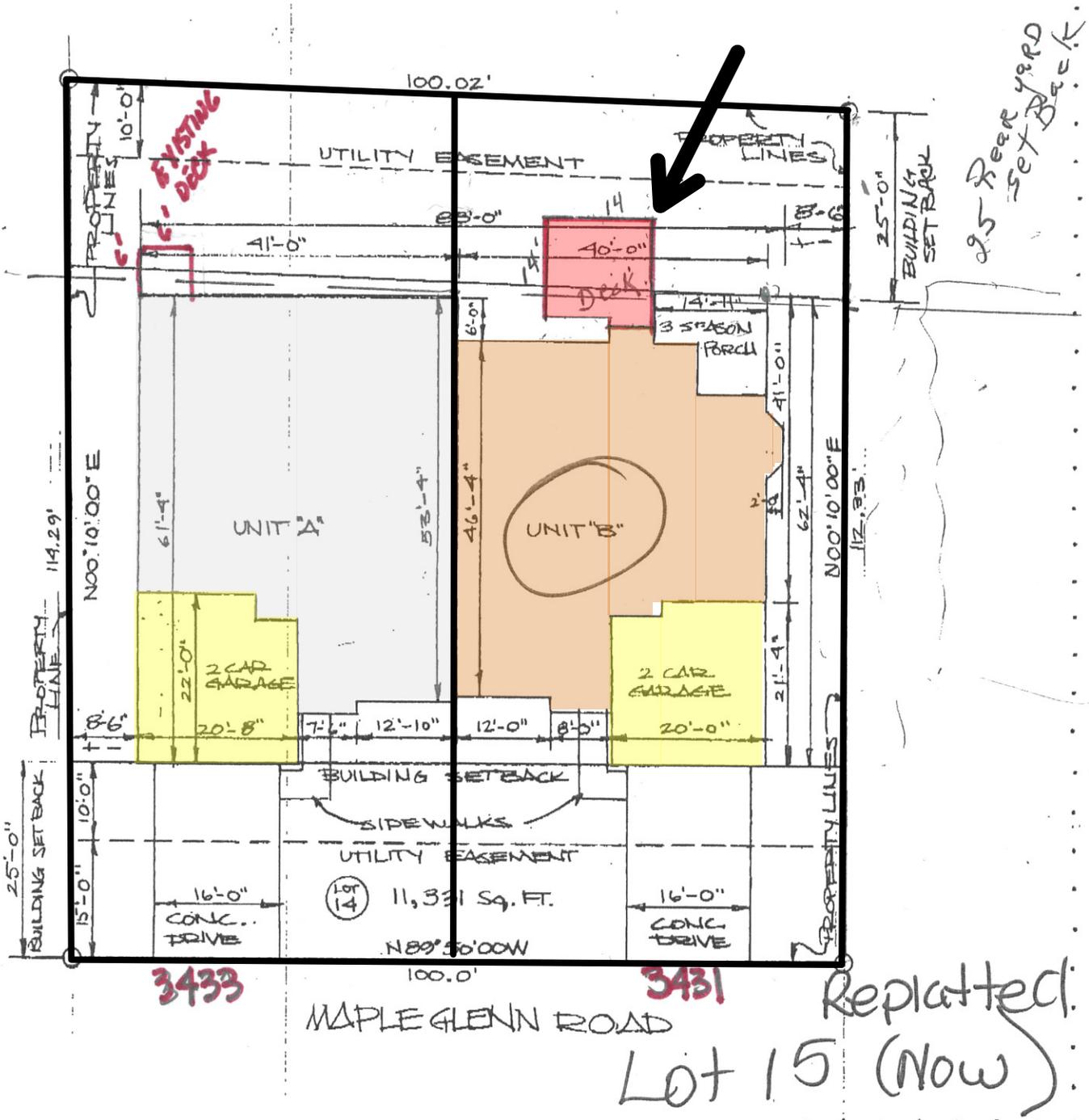
Connors expressed his appreciation to Beck for his diligence in sorting through the intricacies involved in finding a method to correct the violations present in the development.

On motion by Kappeler, seconded by Bennett, that the final plat of Maple Glen 4th Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Attachment D



3433

3431

MAPLE GLENN ROAD

Replatted Lot 15 (Now)

2.5 Rear yard set-back

EXISTING Deck

UNIT "B"

UNIT "A"

Lot 14

11,331 Sq. Ft.

N89°50'00W

100.0'

N00°10'00"E

N00°10'00"E

25'-0" BUILDING SETBACK

25'-0" BUILDING SETBACK

114.29'

114.29'

10'-0" PROPERTY LINES

10'-0" PROPERTY LINES

UTILITY EASEMENT

BUILDING SETBACK

UTILITY EASEMENT

SIDEWALKS

2 CAR GARAGE

2 CAR GARAGE

3 SEASON PORCH

40'-0" Deck

22'-0" 20'-8"

21'-4" 20'-0"

6'-4" 5'-4" 4'-4"

4'-4" 4'-0" 6'-4" 2'-4"

41'-0"

8'-0"

6'-0"

14'-4"

25'-0"

10'-0"

15'-0"

8'-6"

7'-6"

12'-10"

12'-0"

8'-0"

2'-4"

12.85'

100.02'



Case No. 16-036

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

Part 1. Property Involved.

Street Address 3431 MAPLE GLEN DRIVE

Legal Description of the property. LOT 15 Maple Glen 4th Add

Part 2. Contact Information.

Applicant Name RONALD & CAROLYN KREBS Phone 563-332-6969

Address 3431 MAPLE GLEN DRIVE FAX _____

E-mail Address: RONK@SWANENGR.COM

Owner Name RONALD & CAROLYN KREBS 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 _____

Part 5. Reasons for Application. In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.

SEE ATTACHMENT.

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

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

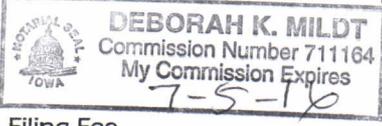
Part 7. Signature.

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

Signature of Applicant Ronald Krum 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 19th day of May, 2016

Deborah K. Mildt
 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 Deborah K. Mildt
 Amount 50.00 Date _____

Reason For application

We have a 25' setback from our lot line. I'm asking for a 10' variance to build a 14' x 14' Patio. Both neighbors must have variances currently because they are into the setback.

My main reason for this request is my wife's health is failing. She cannot use normal heights of steps, or walk uneven ground. This would give her the opportunity to still enjoy the outside.

The area behind our house appears to be much larger than it is and the Deck patio would not obscure the sightline of my neighbors. I have the MGHO association's approval pending the city of Bettendorf.
Thanks.



COMMUNITY DEVELOPMENT

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

June 9, 2016

Staff Report

Case No. 16-037

Location: 2624 Rosehill Avenue

Applicant: Ralph Armstrong

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

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

Background Information and Facts

The site is located east of Crow Ridge Plaza on the northeast corner of Rosehill Avenue and Brentwood Drive (see Attachment A – Location Map). The applicant has requested permission to install a 6-foot high fence to surround the rear yard. A portion of that fence would be within the required front yard setback adjacent to Brentwood Drive (see Attachment B – Plot Plan).

Staff Analysis

If allowed, the fence would enclose approximately 7,808 square feet of yard space. As shown on Attachment A, the east side of the yellow highlighted area represents where the 6-foot high fence could be placed on the west side of the property per code. If the fence is placed as required by Code, it would enclose approximately 6,272 square feet of yard space. Therefore, if the variance is not granted, the applicant will be able to enclose approximately 80% of the same yard space with a 6-foot high fence.

In the past, the Board has allowed 6-foot high fences along major thoroughfares, collector streets, 4-lane roadways, or designated highways. The applicant's street, Brentwood Drive, is a residential street and is not characterized as having high traffic counts. The city's Engineering Department indicated that vehicle usage on Brentwood Drive had not even justified having a traffic count conducted.

The applicant cites the fact that their home is adjacent to a C-2, Community Shopping District (Crow Ridge Plaza) and that the 6-foot high fence is necessary to block the headlights of the vehicles exiting the commercial property. Staff questions any ability of the fence to block headlights, sound, or provide buffering to any higher degree at the

property line than if the fence was set back an additional 25 feet in compliance with the zoning ordinance.

There are four residential properties on Brentwood Drive that are across the street from Crow Ridge Plaza. Approving this request will establish a precedent for the other residential properties in this area should they too want to place 6-foot high fences at their front property line.

Staff Recommendation

Requesting a variance because a homeowner chose to purchase a residence adjacent to a commercial property may be considered a self-imposed hardship, and the amount of useable fenced yard space gained by granting the request appears to be minimal.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A

53RD AVE

53RD AVE

SITE

BRENTWOOD DR

ROSEHILL AVE

18TH ST

LINDENWOOD DR

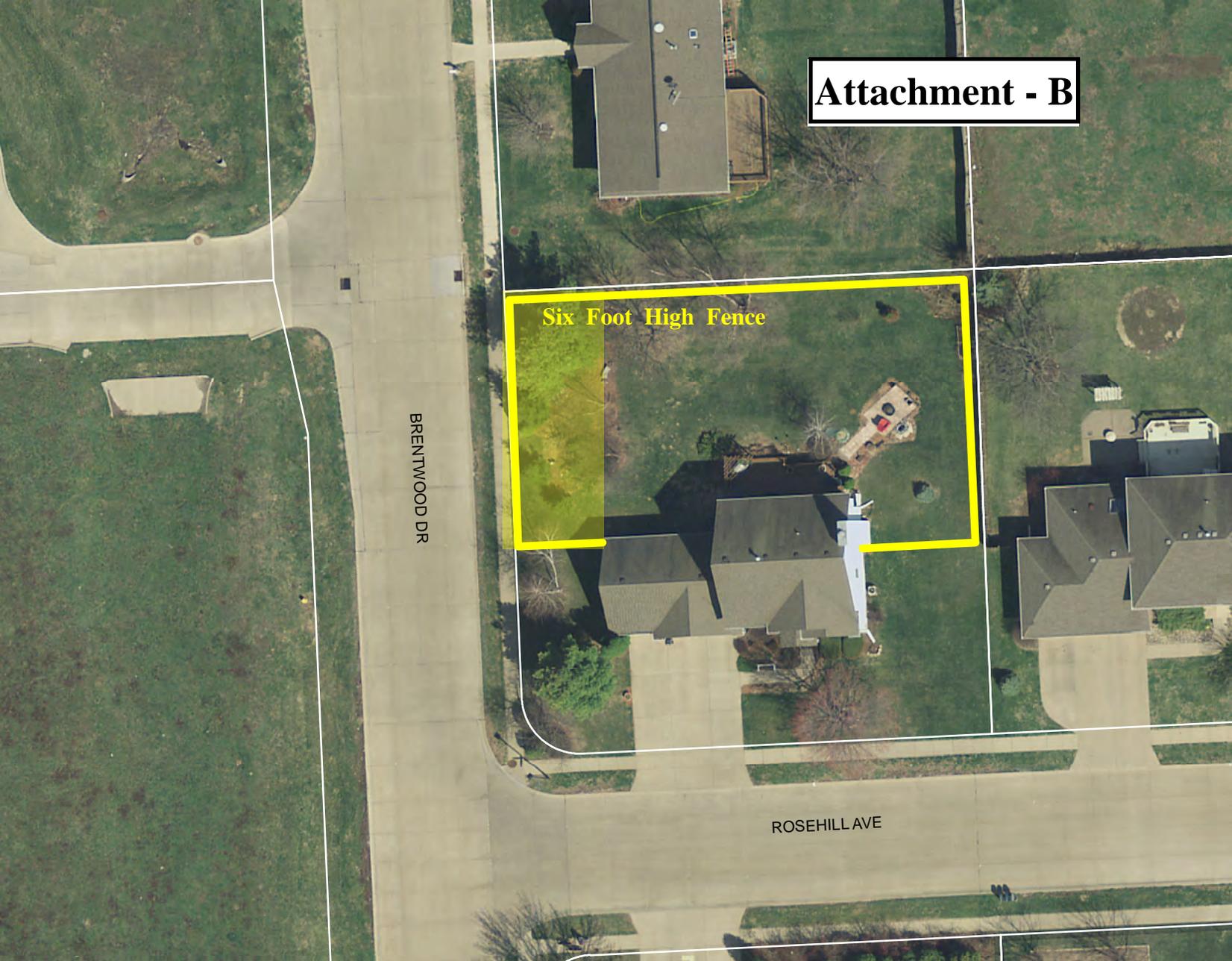


Attachment - B

Six Foot High Fence

BRENTWOOD DR

ROSEHILL AVE



Attachment - C

R-5

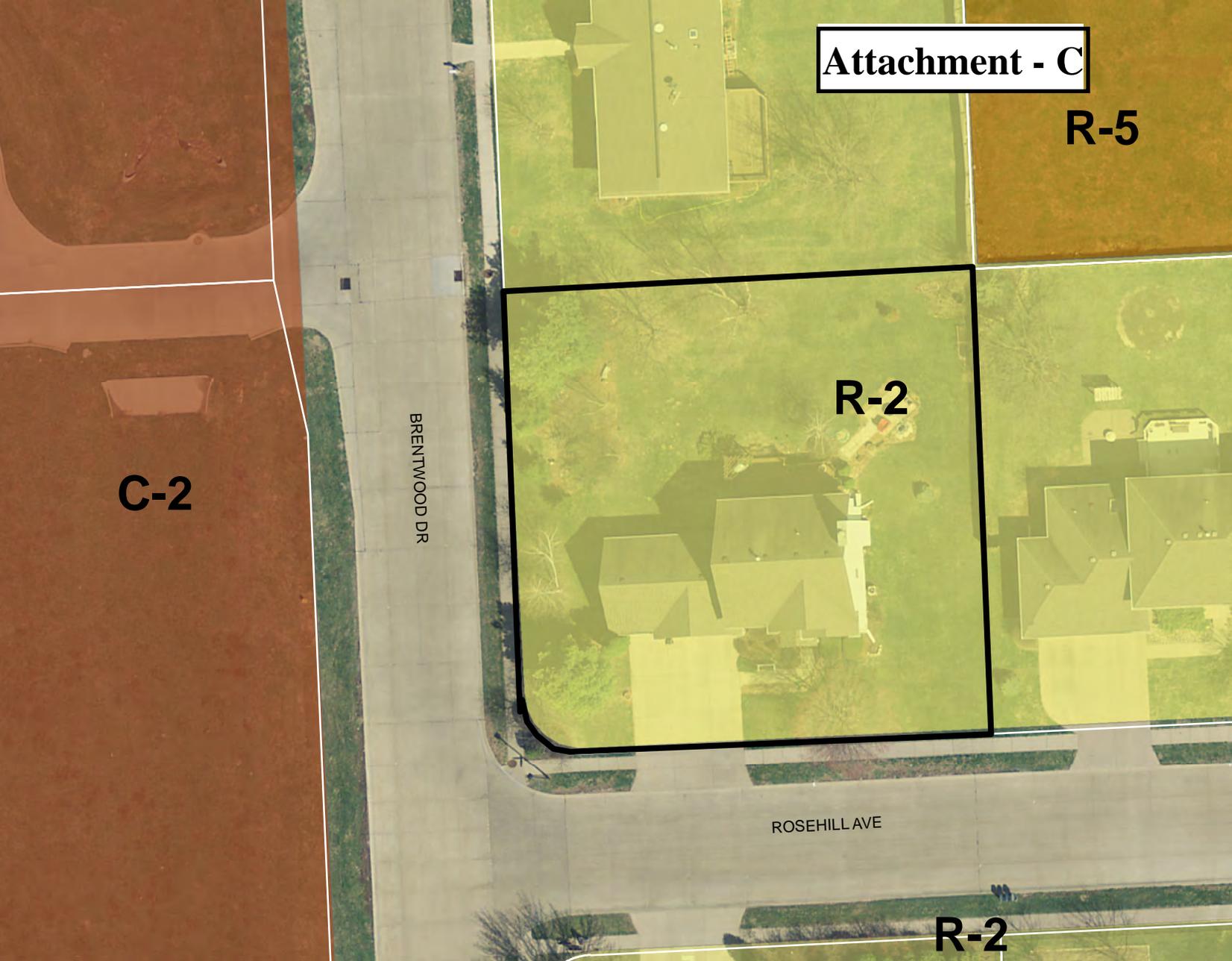
C-2

BRENTWOOD DR

R-2

ROSEHILL AVE

R-2





Case No. 16-037

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

Part 1. Property Involved.

Street Address 2624 Rosehill Ave

Legal Description of the property. Lot 3 Crow Ridge Estates
7th Add

Part 2. Contact Information.

Applicant Name Ralph Armstrong Phone 563-468-8701

Address 2624 Rosehill Ave FAX _____

E-mail Address: RalphArmstrong@gmail.com

Owner Name Same Phone _____

Address _____ FAX _____

E-mail Address: _____

Agent _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

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

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:

- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
- (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
- (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
- (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
- (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
- (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

3. Other. _____
(Attach a separate sheet and explain in detail.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved _____ 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.

This property borders a commercial property, we would like to have a 6' fence to block the noise, headlights and people looking into the yard.

The trees along the line are mature and well

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 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 May, 20 14
Deborah K. Mildt
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 *Deborah Mildt*
Amount 50⁰⁰ Date 5-23-16
CASH



COMMUNITY DEVELOPMENT

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

June 9, 2016

Staff Report

Case No. 16-038

Location: 5768 New Castle Lane

Applicant: John O'Brien

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

Request: Variance to increase the allowable height of an accessory structure from 15 feet to 17½ feet.

Background Information and Facts

The site is located on a flag lot off of New Castle Lane (see Attachment A – Location Map). The most direct way to get to the site is by traveling to the eastern terminus of 53rd Avenue, turning north onto Judge Road until it turns south becoming New Castle Lane. The flag lot is located on the west side of New Castle Lane.

The applicant is in the process of building a new detached garage (see Attachment B – Plot Plan). The garage height measured at mid-gable will be 17½ feet (see Attachment C – Garage Elevations). The Code specifies a maximum height, measured at mid-gable, of 15 feet.

Staff Analysis

The applicant/builder applied for a building permit for the structure in March 2016. During that same month, staff reviewed and approved the building plans for the structure and issued a building permit. The plans accurately represented the correct height of the proposed structure, and the height discrepancy was simply missed during the staff plan review.

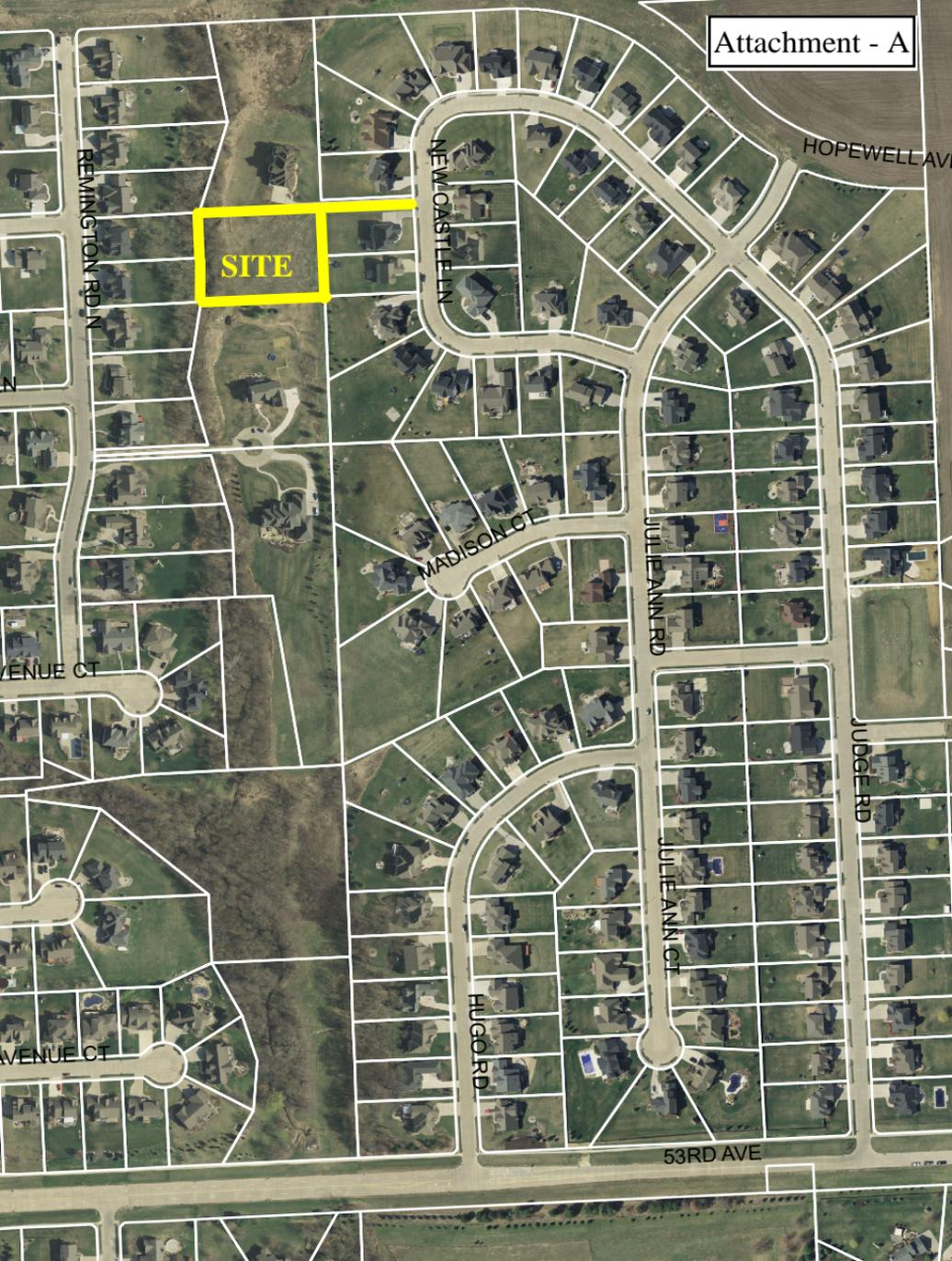
Once the building permit was issued, the builder/applicant had no reason to believe that there was any problem regarding the proposed structure and began to build the garage per the approved plans. While under construction, and after being alerted by a neighbor, staff discovered the error.

Staff Recommendation

The builder applied for and received all of the proper permits before beginning work and acted in good faith that the approved plans were in compliance. The structure has been substantially built. The error was beyond the control of the applicant, and a hardship now exists that was not self-imposed by the applicant.

Respectfully submitted,

John Soenksen
City Planner



SITE

REMININGTON RD. N

NEW CASTLE LN

HOPEWELL AVE

MADISON CT

JULIE ANN RD

VENUE CT

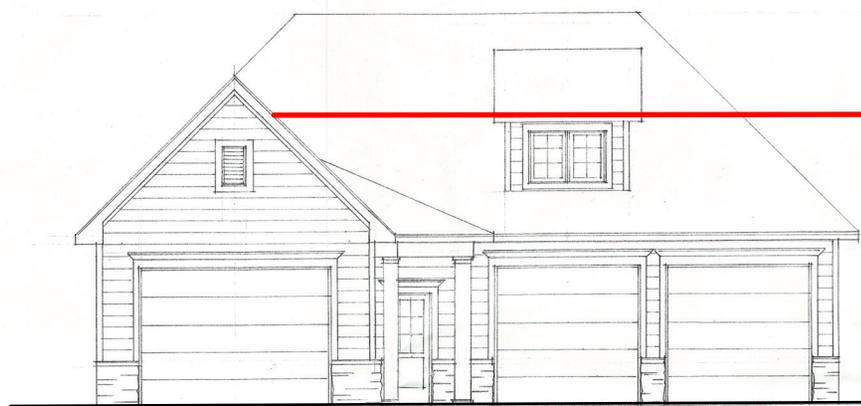
JUDGE RD

JULIE ANN CT

VENUE CT

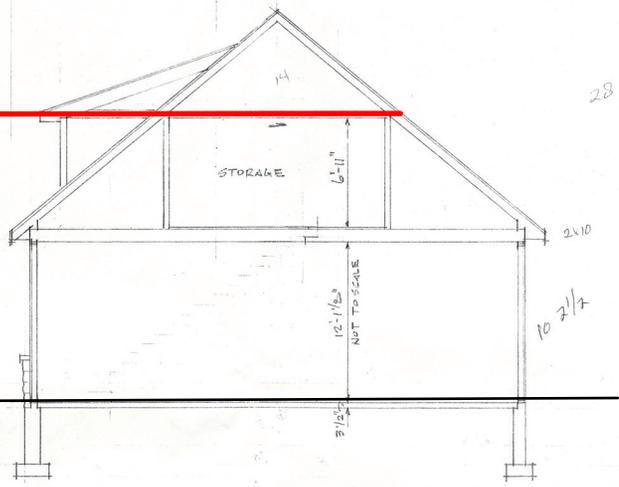
HUGOB RD

53RD AVE



Mid-Gable Line

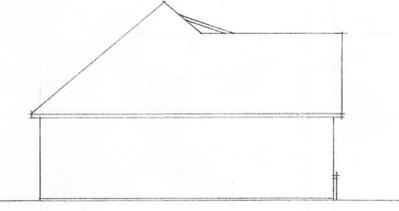
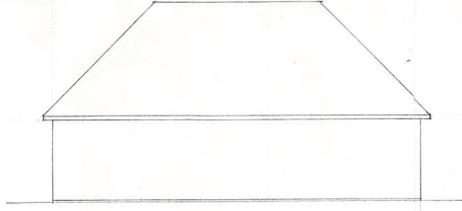
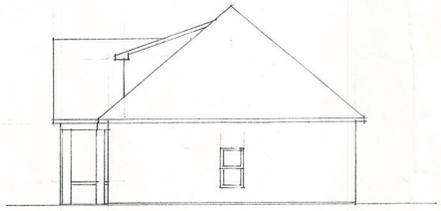
17.5'



28

2x10

10 2 1/2



REVIEWED BY
BUILDING DEPT
DATE 3-27-2015
BY [Signature]

Office
Copy

MR & MRS BRIAN ALMA	
SCALE:	APPROVED BY:
DATE:	REV:
ELDRIDGE LUMBERTARD JR	
GARAGE	

Attachment - C



Case No. 16-038

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

Part 1. Property Involved.

Street Address 5768 New Castle Lane Bett.

Legal Description of the property. Detached Garage

LOT 33, CENTURY HEIGHTS SIXTEENTH ADD

Part 2. Contact Information.

Applicant Name John O'Brien / JOB Construction and Remodeling LLC Phone 563-529-3829

Address P.O. Box 151 Long Grove IA 52756 FAX _____

E-mail Address: jobconstruction@yahoo.com

Owner Name Belan Almar Phone _____

Address 5768 New Castle Lane 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.
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- (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.

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- (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.

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- (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 to increase the allowable height of an accessory structure from 15 feet to 17.5 feet. Building permit issued in error.

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 24th day of May, 2016.

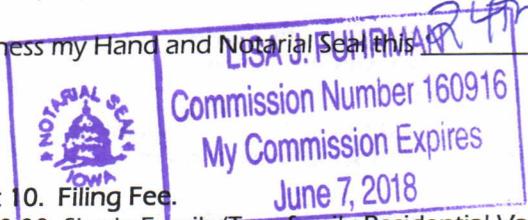
Signature of Applicant *John...* Signature of Owner _____

(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 24th day of May, 2016.



Lisa J. Pumphrey
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 J. Pumphrey*
Amount *50* Date *5/24/16*



COMMUNITY DEVELOPMENT

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

June 9, 2016

Staff Report

Case No. 16-039

Location: 2255 Falcon Avenue

Applicant: Build to Suit, Inc.

Zoning Designation: C-2, Community Shopping District

Request: variance to allow parking in a required front yard.

Background Information and Facts

The site is located on the south side of Falcon Avenue on the lot between the new Ross's restaurant and the new Central Standard restaurant (see Attachment A – Location Map). The applicant would like to place 10 parking spaces adjacent to Falcon Avenue encroaching 5 feet into the required 20-foot setback (see Attachment B – Site Plan).

Staff Analysis

Recently Central Standard, a new restaurant, opened on the property west of and adjacent to the site. Both lots, Central Standard and the lot currently being developed, are shown on the attached site plan. A new building will be built on the vacant lot, and the building will nearly mirror the design of the first one. The new building will house a doughnut shop, a chiropractor's office, and two additional unknown retail businesses.

This entire area has seen significant recent development of highly successful businesses and has attracted a great deal of traffic causing some parking issues. In response to dangerous on-street parking situations, the City has just passed a new ordinance limiting the parking on Falcon Avenue. Now, more than ever, on-site parking is very important for businesses in this area.

In an effort to maximize on-site parking for the new development, the applicant is requesting a 5-foot variance for 10 parking spaces. In an effort to address the parking problems in the area, the new development will have cross parking easements for both of the lots shown on the attached site plan. If the variance is granted, 57 on-site parking spaces will be located in the new development with a total of 116 off-street parking spaces available for both lots shown on the site plan.

Staff Recommendation

It is obvious to staff that additional on-site parking accommodations are needed in this area. The submitted plan appears to address this critical need while only encroaching a minimal distance into the required setback. On-street parking is allowed and frequently un-utilized on the south side of Falcon Avenue directly in front of the proposed parking spaces. Therefore, the 5-foot encroachment of the parking spaces into the front setback will have minimal, if any, effect on the aesthetics of the surrounding area.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



53RD AVE

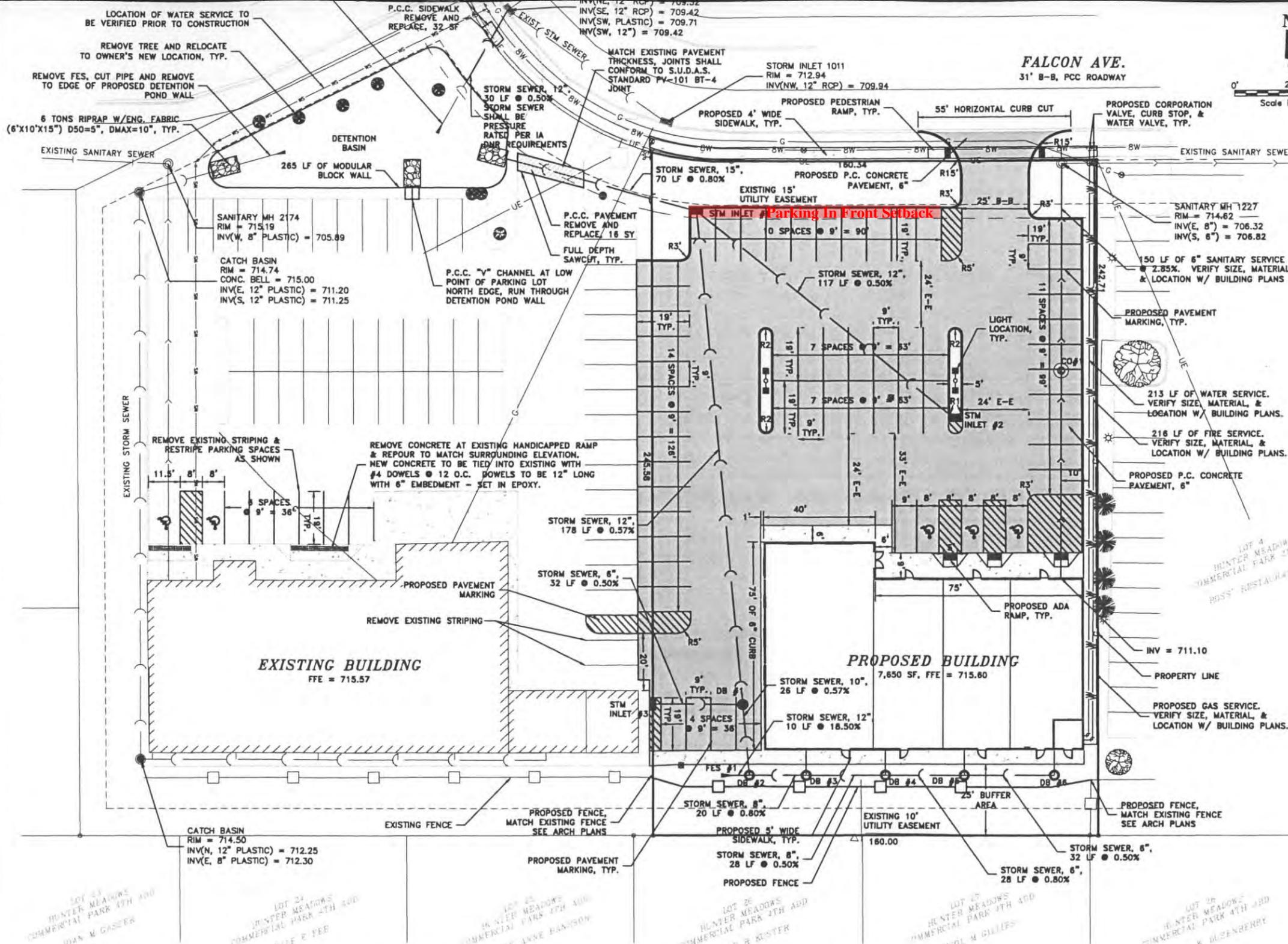
53RD AVE

FALCON AVE

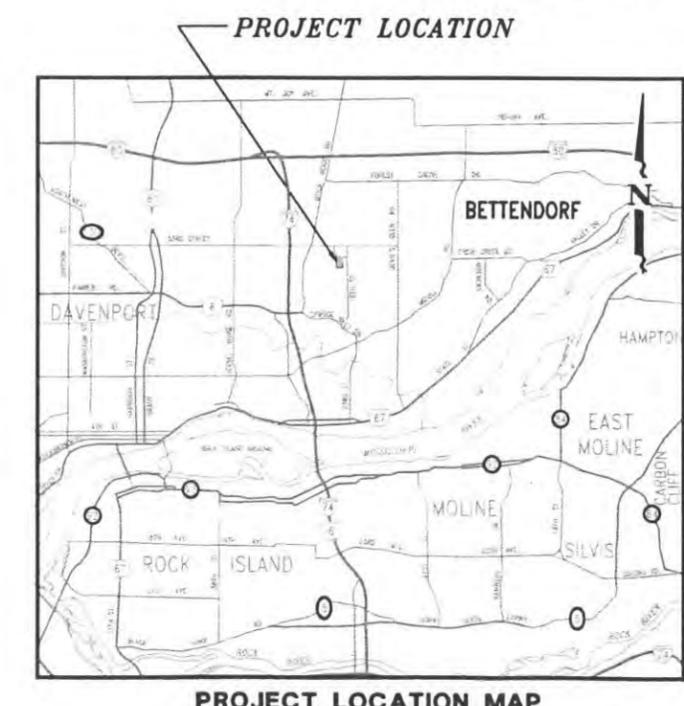
DOVE CT

LINDENWOOD DR

SITE



- P.C. CONCRETE PAVEMENT
- PROPOSED P.C.C. SIDEWALK
- P.C.C. PAVEMENT REMOVE & REPLACE
- EXISTING PROPERTY PIN BOUNDARY
- EXISTING LOT LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING EASEMENT LINE
- EXISTING SETBACK LINE
- EXISTING CONTOUR (1' INTERVALS)
- PROPOSED CONTOUR (1' INTERVALS)
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- EXISTING WATER MAIN
- EXISTING WATER SERVICE
- PROPOSED WATER SERVICE
- PROPOSED FENCE
- EXISTING FENCE
- EXISTING UNDERGROUND TELEPHONE
- EXISTING UNDERGROUND ELECTRIC
- EXISTING GAS LINE
- PROPOSED GAS LINE
- EXISTING STORM INLET
- PROPOSED STORM INLET
- PROPOSED STORM DRAIN BASIN
- EXISTING MANHOLE
- DIRECTION OF FLOW
- EXISTING WATER VALVE
- PROPOSED WATER VALVE
- PROPOSED CLEANOUT
- EXISTING FIRE HYDRANT
- EXISTING TREE
- TREE REMOVAL
- EXISTING SIGN
- EXISTING TELEPHONE PEDESTAL



OWNER/DEVELOPER

MARK ROEMER
2550 MIDDLE ROAD
BETTENDORF, IA 52722
PHONE: (563) 650-6572

ENGINEER

MCCLURE ENGINEERING ASSOC. INC.
ATTN: LOREN RAINS, P.E.
4700 KENNEDY DRIVE
EAST MOLINE, IL 61244
PHONE: 309-792-9350

ARCHITECT

KELLY & ASSOC. ARCHITECTURE
ATTN: DENNIS KELLY
3800 ARCHER DRIVE #100
EAST MOLINE, IL 61244
PHONE: 309-751-3026

PARKING SPACES

STANDARD SPACES:	54
HANDICAPPED SPACES:	3
TOTAL ON-SITE PARKING:	57
REQUIRED SPACES (BOTH LOTS):	106
TOTAL PARKING (BOTH LOTS):	116

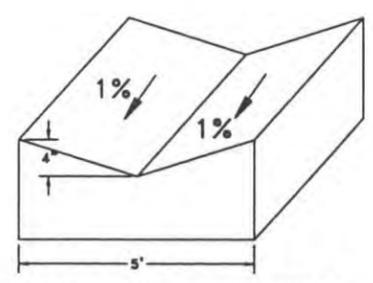
ZONING/LOT INFO.

CURRENT ZONING: C-2
LEGAL DESCRIPTION: LOT 3 HUNTER MEADOWS COMMERCIAL PARK 2ND ADD.
TOTAL LOT AREA: 0.90 ACRES
FRONT YARD SETBACK: 20'
REAR YARD SETBACK: 25'
SIDE SETBACK: NONE (WEST) 5' (EAST)
WATER SUPPLY: PUBLIC
SANITARY SEWER: PUBLIC

NOTE: ALL MAINTENANCE NEEDED FOR ON-SITE STORM AND SANITARY SEWER SHALL BE THE RESPONSIBILITY OF THE OWNER.

STRUCTURES

DB #1 (24" DIA. CLOSED) RIM = 713.04 INV (W, 6") = 712.27 (IN) INV (S, 10") = 712.27 (IN) INV (N, 12") = 712.27 (OUT)	DB #4 (24" DIA. OPEN) RIM = 715.45 INV (E, 6") = 712.71 (IN) INV (W, 8") = 712.71 (OUT)	STM INLET #1 RIM = 713.93 INV (S, 12") = 711.25 (IN) INV (SE, 12") = 711.25 (IN) INV (W, 15") = 711.15 (OUT)
DB #2 (24" DIA. OPEN) RIM = 714.96 INV (E, 8") = 712.41 (IN) INV (W, 12") = 712.41 (IN) INV (N, 10") = 712.41 (OUT)	DB #5 (24" DIA. OPEN) RIM = 715.16 INV (E, 6") = 712.94 (IN) INV (W, 6") = 712.94 (OUT)	STM INLET #2 RIM = 714.41 INV (NW, 12") = 711.84 (OUT)
DB #3 (24" DIA. OPEN) RIM = 715.16 INV (E, 8") = 712.57 (IN) INV (W, 8") = 712.57 (OUT)	DB #6 (24" DIA. OPEN) RIM = 714.84 INV (W, 6") = 713.10 (OUT)	STM INLET #3 RIM = 715.23 INV (E, 6") = 712.43 (OUT)
FES #1 (METAL) FL, 12" = 714.26		CO #1 RIM = 714.85 INV (S, 6") = 708.96 (IN) INV (N, 6") = 708.96 (OUT)



P.C.C. "V" CHANNEL
NOT TO SCALE

NEW BUILDING FOR

Attachment - B



Case No. 16-039

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

Part 1. Property Involved.

Street Address 2255 Falcon Avenue
Legal Description of the property. Lot 3, Hunter Meadows Commercial Park Second Addition

Part 2. Contact Information.

Applicant Name Build to Suit, Inc. Phone 355-2022
Address 1805 State Street, Suite 101, Bettendorf, IA FAX _____
E-mail Address: kevink@buildtosuitinc.com

Owner Name Falcon Lot Strip Center, LLC Phone 650-6572
Address 2550 Middle Road, #300, Bettendorf, IA FAX _____
E-mail Address: mrkroemer@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 C-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.

NEED VARIANCE FOR PARKING LOT BEING 5'-0"
INTO FRONT YARD SET BACK

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 24th day of May, 20 16

Signature of Applicant Paul B. [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 24th day of May, 20 16.

Lisa J. Fuhrman
 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 Fuhrman
 Amount *\$100 Date 5/24/16

***Fee applied from Case 16-028 (withdrawn)**



COMMUNITY DEVELOPMENT

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

June 9, 2016

Staff Report

Case No. 16-040

Location: 872 Tanglefoot Lane

Applicant: Tanglefoot Investors, LLC/Thomas J. Pastrnak

Zoning Designation: C-6, Office and Research Park District

Request: Variance to reduce the required rear yard setback from 50 feet to 10 feet.

Background Information and Facts

The site is located on the north side of Tanglefoot Lane just northwest of the intersection of Utica Ridge Road and Tanglefoot Lane (see Attachment A – Location Map). The applicant would like to reduce the required rear yard setback from 50 feet to 10 feet.

Staff Analysis

Several years ago the City entered into an agreement with a developer who anticipated large office research type commercial buildings that would ultimately employ several hundred people to be built in this area. Given the anticipation of large developments, a C-6, Office Research Park District zoning designation for the area appeared to be the appropriate designation as large lots setbacks are required. The original concept never came to fruition in the area, and only one small office building housing a small number of employees has been built to date. The original developer passed away, and his development concept has been abandoned.

Recently a client of the applicant purchased the land north of this site which was subsequently rezoned to C-3, General Business District which allows smaller commercial developments (see Attachment B – Zoning Illustration). A multi-tenant commercial structure has just been completed in the 900 block of 40th Avenue which contains several smaller commercial businesses. More similar buildings are anticipated to be built in the area. The C-3, General Business District requires a 10-foot rear yard setback. The site now under consideration adjoins this C-3 District. The proposed variance would allow:

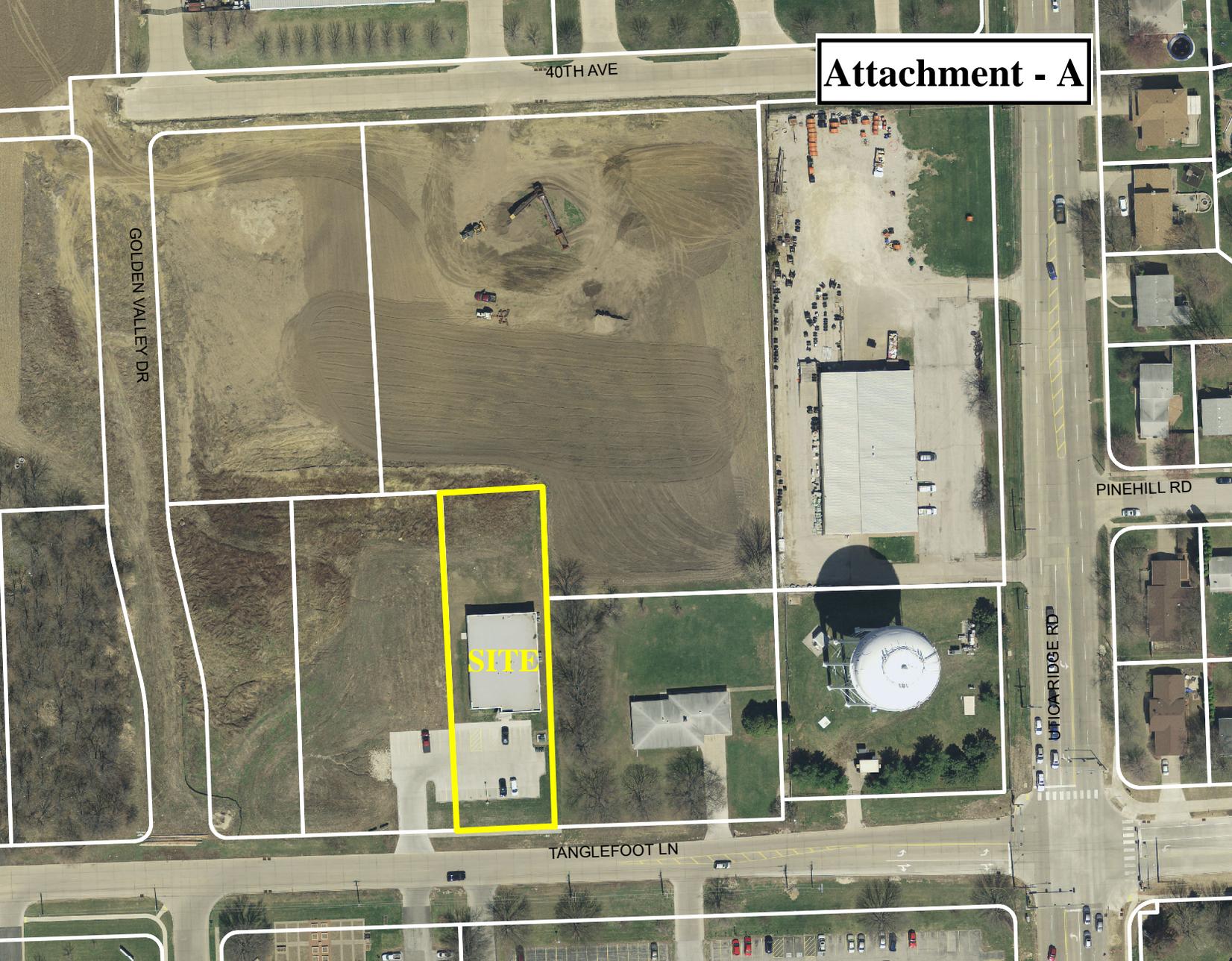
- The site to have the same rear setback as the adjacent property to the north.
- Allow the northernmost 97 feet of the lot to be sold to the owner of the adjacent C-3 property to the north resulting in the property at 872 Tanglefoot Lane having only a 10-foot rear setback if the variance is approved.

The applicant's client is exploring an option to purchase the northernmost 97 feet of the lot under variance consideration. Granting the variance will allow the above described events to occur without creating a non-conforming lot.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



40TH AVE

GOLDEN VALLEY DR

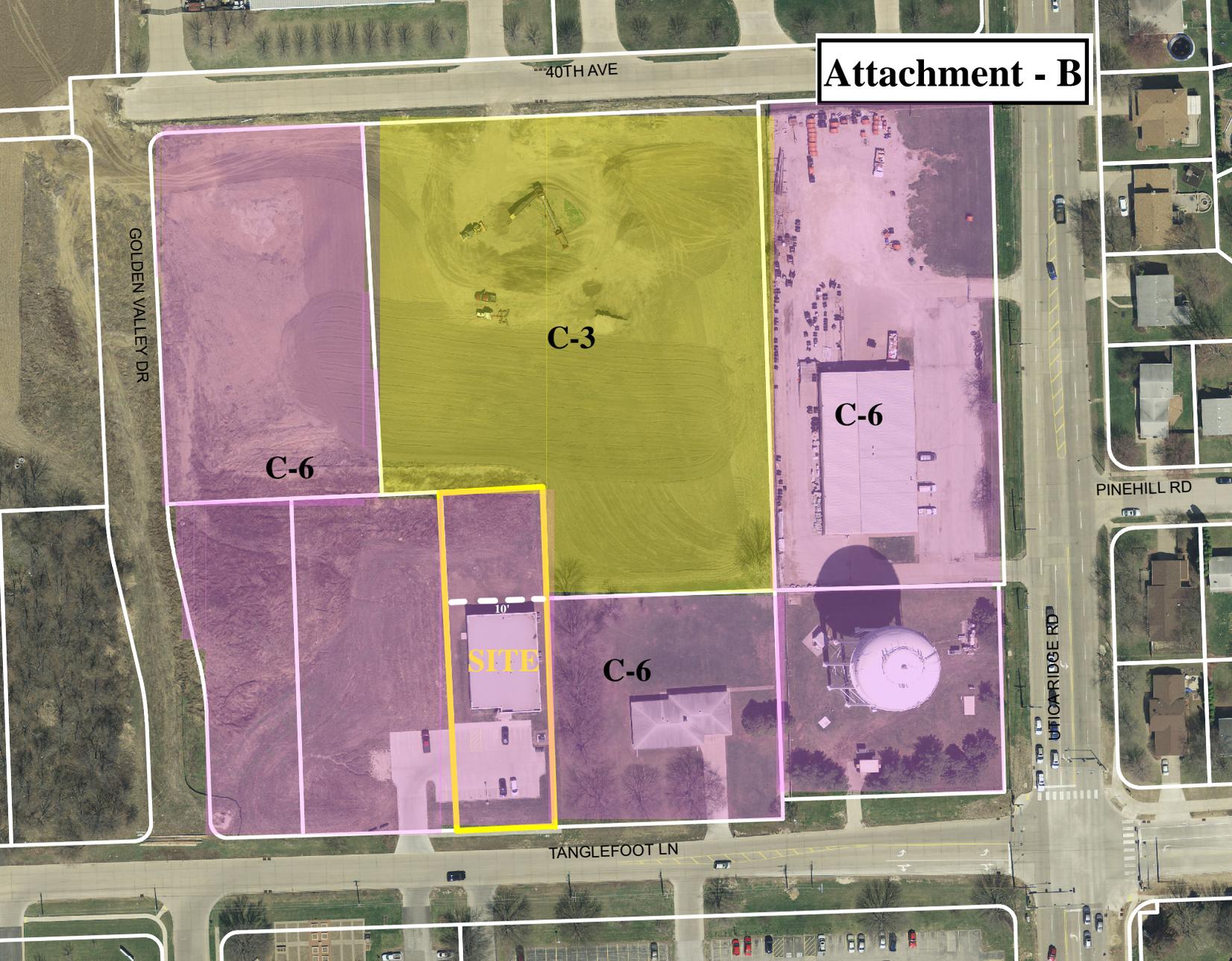
SITE

TANGLEFOOT LN

PINEHILL RD

WILKINSON RD

Attachment - B



40TH AVE

GOLDEN VALLEY DR

C-6

C-3

C-6

PINEHILL RD

10'
SITE

C-6

UPICARIDGE RD

TANGLEFOOT LN



Case No. 16-040

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

Part 1. Property Involved.
Street Address

872 Tanglefoot Lane

Legal Description of the property. Lot 1 of the Final Plat of Interstate 74 Technology Park
Third Addition

Part 2. Contact Information.

Applicant Name Tanglefoot Investors, LLC (c/o Thomas /J. Pastrnak) Phone 563-355-2022
Address 1805 State St., Ste. 101, Bettendorf, IA FAX _____
E-mail Address: kevink@buildtosuitinc.com

Owner Name Bella 1, LLC (c/o Thomas J. Pastrnak) Phone 563-323-7737
Address 313 W. 3rd Street, Davenport, IA 52801 FAX 563-323-7739
E-mail Address: tpastrnak@pastrnak.com

Agent Thomas J. Pastrnak, Pastrnak Law Firm, P.C. Phone 563-323-7737
Address 313 W. 3rd Street, Davenport, IA 52801 FAX 563-323-7737
E-mail Address: tpastrnak@pastrnak.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.
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2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:

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- (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.
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- (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.
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3. Other. _____
(Attach a separate sheet and explain in detail.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved _____ Existing Zoning _____

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- (d) That by granting the request for a variance substantial justice shall be done.

The properties adjoining and contiguous to this parcel have been rezoned to C-3 permitting shorter setback limitations from 50 feet to a 10-foot dimension. This variance is sought to render this property in conformity with the surrounding tracts/properties

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 24 day of May, 20 16.

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 24 day of May, 20 16.



[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 \$100. Date 5/25/16