

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

MEETING NOTICE
BOARD OF ADJUSTMENT
JULY 14, 2016
5:00 P.M.

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

1. Roll Call: Falk ____, Clements ____, Gallagher ____, Spranger ____, Voelliger ____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of June 9, 2016.
4. The Board to hold a public hearing on the following items:
 - a. **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. (Deferred from meeting of June 9, 2016)
 - b. **Case 16-047; 5645 Barcelona Street (R-1)**; A request for a variance to reduce the required rear yard setback from 40 feet to 18 feet to allow construction of a 14-foot by 25-foot deck, submitted by Wesley Hand.
 - c. **Case 16-048; 5422 Cavan Crossing (R-3)** – A request for a variance to reduce the required rear setback from 25 feet to 20 feet to allow construction of a 6-foot by 12-foot deck, submitted by Towne & Country Bettendorf.
 - d. **Case 16-049; 5572 Integrity Way (R-1)** – A request for variance to increase the allowable garage area from 734 square feet to 1,264 square feet, submitted by Bob Buker.
 - e. **Case 16-050; 931 State Street (C-2)** – A request for a variance to reduce the required sign setback for an on-premises identification sign from 20 feet to 0 feet, submitted by Dev Bastola.
 - f. **Case 16-051; 702 Eighth Street (R-2)** – A request for a variance to reduce the established front yard setback (along Jones Street) from 7 feet to 3 feet 9 inches, submitted by Adam Smith.
 - g. **Case 16-052; 4823 Mason Run (R-1)** – A request for a variance to reduce the required rear yard setback from 40 feet to 27 feet to allow for construction of a 12-foot by 20-foot deck, submitted by Premier Custom Homes.

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
JUNE 9, 2016
4:00 P.M.

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

Item 1. Roll Call

PRESENT: Falk, Spranger, Voelliger

ABSENT: Gallagher

STAFF: Fuhrman, Beck, Stone, *Connors

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of May 24, 2016.

On motion by Falk, seconded by Spranger, that the minutes of the meeting of May 24, 2016 be approved as submitted.

ALL AYES

Motion carried.

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

Voelliger announced that the public hearing for Case 16-040 would be held first.

- 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.

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

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

Voelliger asked if the properties involved are under common ownership. Soenksen explained that they are not, adding that it is anticipated to become the case at some point in the future.

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

Greg Jager, representing the applicant, explained that the properties are not under common ownership. He indicated that the owner of the property in the area that is zoned C-3 anticipates purchasing the property in question which is zoned C-6 if the variance is granted. Jager stated that the property is in an infill area of the city, adding that the developer wishes to complete the project.

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 rear yard setback from 50 feet to 10 feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- a. **Case 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)

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

Soenksen reviewed the staff report. Staff report is Annex #5 to these minutes. He stated that the applicant has submitted a revised parking plan which addresses some of the concerns expressed by the Board at the previous meeting. Soenksen indicated that there is an error in the staff report with regard to the setback for the on-premises identification sign at Miller-Meier Limb and Brace located at 4505 Utica Ridge Road. He explained that the sign is actually set back 11 feet from the property line, not 3 feet.

Voelliger stated that it appears as if the greenspace between the sidewalk and the parking area would be at least 7 feet on the southern portion of the property and approximately 2 feet at the north end. Soenksen confirmed this.

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

Jay Sommers, representing the applicant, explained that he believes that the revised schematic addresses the Board's concerns. He indicated that given the configuration of the turn lane on Utica Ridge Road and the traffic signal located there, there would be no visual obstructions caused by the parking proposed to be in the required front yard.

Voelliger asked if any utilities would be disturbed during construction of the proposed parking area. Soenksen explained that as a requirement of the sign placement, the contractor would be required to call Iowa OneCall to ensure that there is no interference with underground utilities.

Falk stated that in his opinion the revised exhibit addresses the concerns expressed by the Board at the previous meeting.

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

Falk requested that the revised parking plan be attached to the Decision and Order to ensure that the depth of greenspace as indicated is provided.

On motion by Falk, seconded by Spranger, 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 granted in accordance with the Decision and Order and the revised site plan submitted by the applicant.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- b. **Case 16-035; 4112 Woodview Drive (R-2)** – A request for a variance to reduce the required rear yard setback from 25 feet to 15 feet to allow for construction of a 16-foot by 16-foot screened porch, submitted by Heartland Builders of the Quad Cities.

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

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

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

Carey Nowack, the applicant, stated that he would be available for questions, adding that the staff report addressed all of the pertinent facts.

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

On motion by Spranger, seconded by Falk, that a variance to reduce the required rear yard setback from 25 feet to 15 feet to allow for construction of a 16-foot by 16-foot screened porch be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

- c. **Case 16-036; 3431 Maple Glen Drive (PR-3)** – A request for a variance to reduce the required rear yard setback from 25 feet to 15 feet to allow construction of a 14-foot by 14-foot deck, submitted by Ronald and Carolyn Krebs.

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

Soenksen reviewed the staff report. Staff report is Annex #9 to these minutes.

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

Ron Krebs, the applicant, stated that staff has covered the issues very well and indicated he would be available if the Board has any questions.

Falk commented that his recollection is that the Board has heard requests for variances in this subdivision before.

On motion by Falk, seconded by Spranger, that a variance to reduce the required rear yard setback from 25 feet to 15 feet to allow for construction of a 14-foot by 14-foot deck be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #10 to these minutes.

- d. **Case 16-037; 2324 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.

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

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

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

Ralph Armstrong, the applicant, explained that the proposed 6-foot high fence is necessary to protect his children from the presence of the commercial development across the street. He indicated that the vacant lot across the street will eventually also be developed commercially which will create more vehicular and pedestrian traffic. Armstrong stated that in order to prevent pedestrians from looking over a fence, it would need to be 6 feet tall. He stated that because of existing landscaping, the proposed 6-foot high fence must be located on the property line.

Falk asked how long the applicant has owned the property in question. Armstrong stated that he and his wife purchased the home on May 17, 2016.

Falk commented that the existing landscaping already provides a substantial buffer and that he does not believe that the proposed fence would provide any further protection. Armstrong stated that the fence contractor disagrees as he believes that a fence would shield the home from headlights which are not currently blocked by the mature landscaping.

Spranger commented that typically 6-foot high fences are allowed on the property line only along major thoroughfares. She indicated that approving the request would set a precedent for other residential streets in the city.

Voelliger commented that the applicant could install a 4-foot high fence on the property line without the need to obtain a variance. Armstrong explained that a 4-foot high fence would be inadequate to block the headlights and to prevent pedestrians from looking over the fence.

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

Voelliger commented that the Board has never approved similar requests along residential streets. Falk expressed concern about the precedent that would be set for the entire city if the request is approved. He added that the applicants chose to purchase the property knowing of the existing and future commercial development in the area.

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

ALL AYES

Motion carried.

Decision and Order is Annex #12 to these minutes.

*Connors arrived at this time.

- 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.

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

Soenksen reviewed the staff report. Staff report is Annex #13 to these minutes. He indicated that he had received a letter in support of the request from Rad Pandit of 5772 New Castle Lane.

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

Allyson Davidson, 5719 Remington Road North, stated that she and her husband custom built their home and were aware at the time that eventually a house would be built on the adjacent lot to the north. She stated that her lot is significantly lower than the adjacent one. She indicated that one day while she was outside she noticed that a structure was being built that appeared to be taller than allowed. She explained that she called the city to report the problem, and her husband then spoke to their neighbor.

Davidson stated that unfortunately there is a history of the neighbor's not respecting property. She indicated that her neighbor works at John Deere as does her husband, adding that her neighbor is actually in charge of building factories and is conversant with code requirements. Davidson stated that her husband reported that when he talked to the neighbor he had indicated that the garage had already had to be lowered 2 ½ feet. She indicated that she and Connors visited the site at which the general contractor was present. He stated that the contractor indicated that stairs had had to be installed inside the garage to correct a code violation and had lowered the height of the garage by 2 ½ feet.

Davidson stated that clearly a mistake was made by the city staff person who approved the permit, adding that he is no longer employed by the city. She indicated that a permit was issued for the construction and that is clearly the city's fault that the construction was allowed to occur. She stated that because of the city's mistake, the homeowner will be wronged and she will lose property value. Davidson explained that her home is very expensive and will be difficult to sell in the future because of the enormous garage that is currently being built 7 feet 10 inches from her property line. She indicated that because she is a lawyer, she read the case law on this type of situation and found that even though a building permit was issued, the structure could be

required to be torn down. Davidson stated that government immunity applies and that the city cannot be held responsible for the harm that has occurred to her and the other homeowner. She explained that there have been cases similar to this one concerning building permits which were issued by a city which were later required to be torn down. She indicated that the fact that a building permit was issued does not change the law.

Davidson stated that the homeowner in question obviously knew that the garage was too tall according to city code given the fact that the height was already required to be reduced and that other changes were made to the structure. She stated that as a result of any litigation that she would be willing to initiate, she would find out how much and when they knew there was a problem during a deposition.

Davidson stated that her main issue is with the appearance of the exposed foundation and suggested that an 8-foot high fence be placed on her property to create the optical illusion that the structure is not too tall and which would block her view of that foundation. She stated that a variance would be required in order to construct the 8-foot high fence and proposed that the other homeowner pay for half of the cost. She indicated that the other homeowner had indicated to her husband that he would not be interested in her idea even though her husband told him that they would not fight the construction of the garage if they agreed to the 8-foot high fence on her property. She stated that the proposed fence would mean that her property value would not be negatively affected.

Davidson stated that the city's mistake hurt two homeowners and added that she hopes the other homeowner sees reason and realizes that the best solution is to construct an 8-foot high fence which she is willing to place on her property. She added that the other homeowner would be required to pay at least half of the cost of the fence. Davidson stated that she would be willing to maintain the fence but it would be conditional on her receiving a variance from the Board of Adjustment for the additional height over what is allowed.

Connors stated that he does not relish the fact that staff mistakes are made and permits are issued in error. He added that he has identified the problem and it has been resolved. He explained that the height of the garage is limited to 15 feet at the mid-point of the gable because it is a detached structure. He indicated that a principal structure or a structure attached to a principal structure is allowed to be 35 feet in height. Connors stated that calculating the height at the mid-point of the gable is quite easy but that it was done incorrectly. He indicated that he has spoken to the homeowners and explained that if the variance is denied, the garage could be made compliant if a breezeway is built connecting to the house. He stated that the homeowners are willing to do that, adding that he feels that the additional construction would place a costly burden on them merely to correct an error of the city especially since the garage is almost completed. Connors explained that requiring the homeowners to construct a breezeway would not be his recommendation and that he hopes that the Board would grant the proposed variance based on staff's mistake.

Voelliger commented that the garage appears to him to be a reasonable height and in keeping with the neighborhood, adding that the Board has no control over what, if any, fence is built on Davidson's property.

Falk asked what remedy Davidson is seeking if the variance is denied and whether she expects that the entire structure would be razed. Davidson explained that she will bear the burden if the variance is granted because she feels her property value would be lowered. She stated that she feels Voelliger is mistaken in his claim that the garage is compatible with the neighborhood. She indicated that because the garage in question is detached, it is not comparable. Davidson stated that because of other ordinance requirements, the homeowner was not allowed to attach it to the house. She stated that the other homeowner wants to have a shop and to park his boat on his property which precludes him from attaching the garage to the house. She explained that the Code is clear, adding that the Board does not have the authority to legislate.

Davidson stated that even if the Board feels that an accessory structure can be taller than 15 feet at mid-gable, the legislature disagrees with them. She indicated that the fact that it is detached changes the feel of the area and that the Code requirements are meant to protect her from having to view a taller than allowed structure. She stated that the legislature recognizes that having to see a huge 4-car garage hurts property values. Davidson indicated that if the other homeowner had wanted to attach the garage, he should have done it from the start. She stated that he couldn't do that because he would be breaking the other Code and it would not have been approved. Davidson indicated that Connors wants the issue to go away because his staff made an error, adding that the remedy that she is seeking is that the Board deny the request and that the homeowner will recognize that he must negotiate and pay for half of a fence on her property which would be much less costly than the breezeway option. She indicated that she feels that the other homeowner should share the cost with her of the city's mistake.

Davidson stated that shielding the exposed foundation from her view makes more sense and would help to maintain her property value because the garage would not look as tall from her vantage point. She reiterated that the Iowa courts do not think it is unreasonable to raze non-compliant buildings. Davidson stated that the law is the law, and that while she may think it is unreasonable to remove the garage, the courts do not. She indicated that she is willing to litigate this issue. She stated again that she needs an 8-foot high fence in order to block the view of the structure's foundation.

Spranger asked what would happen if the Board does not grant the variance request. Connors explained that the homeowner has agreed to design and construct an attached breezeway which would bring the property into compliance. Stone explained that the decision whether to construct the breezeway is the homeowner's, adding that if the variance request is denied the structure becomes non-conforming.

Davidson stated that she called Connors after the trusses were put into place and that the homeowner continued to build. She indicated that the fact that the structure is almost complete

is not relevant as the other homeowner had notice of the problem as soon as the trusses were installed.

Voelliger commented that he had viewed the structure from the homeowner's property, not Davidson's. Davidson stated that the Board members are more than welcome to come on to her property to see it from her vantage point.

Voelliger asked how much of the foundation of the garage is exposed. Connors explained that approximately 4 ½ feet of the foundation is exposed at the rear of the structure. He added that because of the topography, the contractor was required to install what is known as a deep foundation.

Davidson stated that in her opinion the garage is not objectionable from the front. She indicated that the house of the homeowner who submitted a letter in support of the request is at an even higher grade than the one in question. She stated that the issue is as much one of topography as anything else.

Volliger asked if the 2 ½ foot differential makes a substantive difference. Davidson stated that it absolutely makes a difference.

Spranger asked if Davidson has any photos showing the rear of the garage from her yard. Davidson indicated that she does not, adding that the other homeowners did not want to incur the cost of building a retaining wall so they regraded her property without asking. She indicated that her grass was ruined, adding that the other homeowners installed drain pipes and a sprinkler box on her property.

Stone stated that is important to keep in mind that the issue before the Board is whether to grant a variance for the additional 2 ½ feet in height of the garage. She indicated that the error in issuing the building permit is one that Davidson could have brought before the Board at the time it was discovered. She reiterated that the issue at hand is whether to grant the variance.

Stone explained that the Code is very specific regarding the factors the Board should consider. She indicated that the Board must decide if there is a hardship to the applicant, if there are extreme circumstances that would justify granting the variance, if the variance is in keeping with the spirit of the Code, and if property values would be maintained. Stone stated that the other issues that have been discussed are not relevant to the decision of whether to grant the variance. She indicated that there are cases in Iowa where a variance was granted and the structure in question was razed when the Board decision was overturned. Stone suggested that if the Board would like more information regarding Iowa case law, the case could be deferred to the next meeting.

Davidson reiterated that she is willing to litigate this issue even though she does not want to as she would rather spend the money on a fence. She stated that the law is clear cut, adding that the standard for a hardship will not be met.

Spranger asked for clarification of the standards required to establish a hardship. Stone explained that normally the threshold to establish a hardship is high. She indicated that in this case the question is whether the city's error is an additional factor that could be used to justify the variance. She stated that if the building permit error was not an issue, there clearly would be no hardship to justify granting the request for the additional height. Stone stated that in her opinion the building permit error is an additional factor that does tip the consideration the other way.

Falk proposed that the case be deferred to the next meeting to give the homeowners an opportunity to possibly resolve the issue. Spranger concurred. Falk commented that because only three Board members are present, any decision made now would have to be unanimous.

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

On motion by Falk, seconded by Spranger, that the request for a variance to increase the allowable height of an accessory structure from 15 feet to 17 ½ feet be deferred to the next regularly scheduled meeting.

ALL AYES

Motion carried.

- 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.

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

Soenksen reviewed the staff report. Staff report is Annex #14 to these minutes.

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

David Kuster, 2236 Lindenwood Drive, requested that the privacy fence to the rear of the subject property be completed so that the people who currently cut through his yard to reach Falcon Avenue cannot do so. He commented that the Central Standard restaurant currently uses the lot for overflow parking and that the employees congregate at the edge of the existing fence during their work hours. He indicated that he is not opposed to the development but requested that the privacy fence be installed prior to construction of the building.

Soenksen stated that the issue of the fence would be addressed during the site development review process. Connors stated that there is a privacy fence indicated on the submitted site plan. Voelliger commented that the issue before the Board is whether to allow the parking in the required front yard. He asked when the site plan would be presented to the Planning and Zoning Commission. Connors explained that the Planning and Zoning Commission has already recommended approval of the site plan subject to the approval of the variance. He indicated that it would be presented to the City Council after the Board decision is made.

Kuster asked for clarification of to whom the request should be made to install the fence prior to building construction. Kevin Koellner, the applicant, stated that he would install the fence first unless he finds that it would interfere with pouring the foundation. He indicated that at the very least, the fence would be built immediately after the foundation is poured.

On motion by Spranger, seconded by Falk, that a variance to allow parking in a required front yard be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #15 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 6:15 p.m.

These minutes and annexes approved _____

John Soenksen, City Planner



COMMUNITY DEVELOPMENT

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

July 14, 2016

Staff Report UPDATE

After the public meeting held on June 9, 2016, the Board deferred further action on this request until the July 2016 meeting. City Attorney Kristine Stone will attend the July meeting if there are any further questions regarding this matter. The previous month's staff report is below.

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.

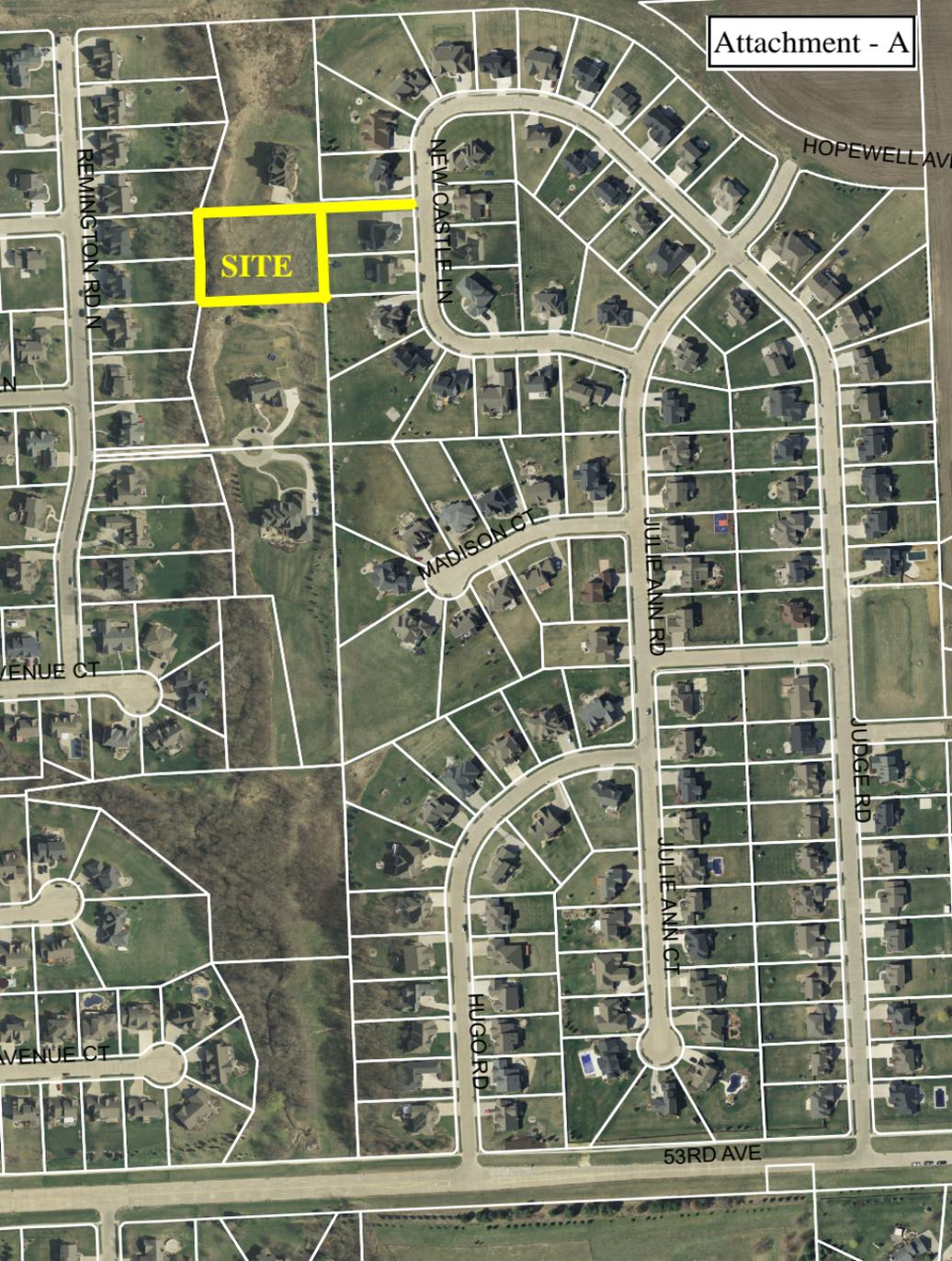
Once the building permit was issued, the builder/applicant had no reason to believe that there was any problem regarding the proposed structure and began to build the garage per the approved plans. While under construction, and after being alerted by a neighbor, staff discovered the error.

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

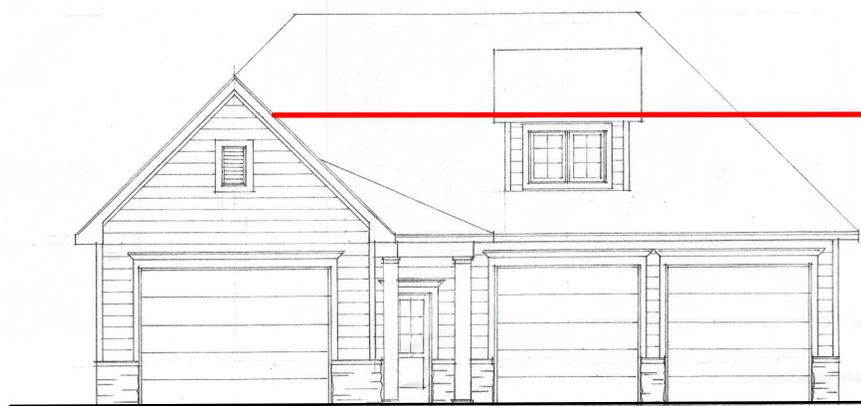
JULIE ANN RD

JUDGE RD

JULIE ANN CT

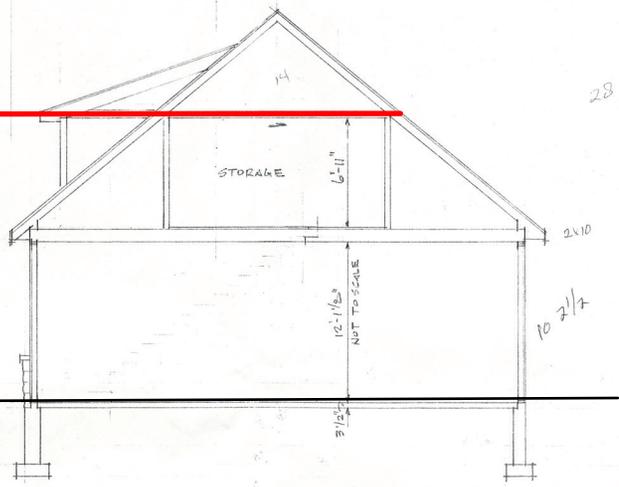
HUGO RD

53RD AVE



Mid-Gable Line

17.5'



28

STORAGE

6'-11"

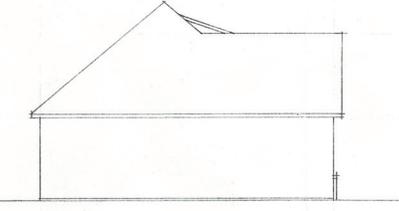
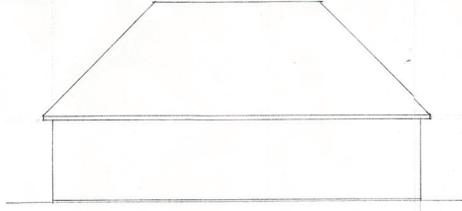
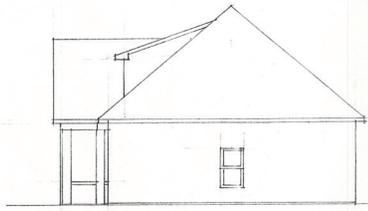
2x10

10 2 1/2"

12'-11/2"

NOT TO SCALE

3/4"



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.
- (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.

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.

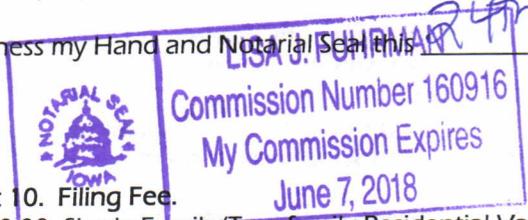
Signature of Applicant *John...* Signature of Owner _____

(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

July 14, 2016

Staff Report

Case No. 16-047

Location: 5645 Barcelona Street

Applicant: Wesley Hand

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

Request: Variance to reduce the required rear yard setback from 40 feet to 18 feet to allow construction of a 14-foot by 25-foot deck.

Background Information and Facts

The site is located at the northwest corner of the intersection of Barcelona Street and Field Sike Drive (see Attachment A – Location Map). The applicant would like to add a 14-foot by 25-foot deck to the rear of the existing structure (see Attachment B – Deck Plan).

Staff Analysis

The applicant's lot is a very large parcel averaging over 300 feet deep and 170 feet wide and contains approximately 49,222 square feet. Even though the parcel contains a large amount of land, the site is almost completely unbuildable due to numerous factors, including (see Attachment C – Plat):

- A large electrical easement located in the southeast front corner of the parcel averaging 70 feet wide and 115 feet deep.
- A 7½-foot wide utility easement along the entire west property line.
- A 30-foot wide Z-shaped sanitary sewer easement consuming a large portion of the center of the parcel.
- A 50-foot wide open space easement along the rear property line of the parcel.
- A 100-foot wide electrical east/west easement in the middle of the parcel.
- More than the rear half of the parcel is dedicated as an outlot containing the 100-year flood zone.
- 30-foot building setbacks adjacent to Barcelona Street and Field Sike Drive.

Because of these factors, there is almost no buildable area remaining outside of the current structure's footprint on this parcel containing 1.13 acres of land.

If allowed, the rear edge of the proposed deck will be at least 207 feet from the rear property line, and the intent of the rear yard separation will be observed for the neighboring property to the north. The proposed deck will be further separated from any development to the north by Crow Creek (see Attachment D – Plot Plan).

Staff Recommendation

The remainder of this very large parcel of land is rendered almost unusable due to the highly unusual factors outside the control of the applicant. Staff believes that the applicant has demonstrated a legitimate hardship.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



BUCKINGHAM AVE

HEATHER GLEN AVE

HEATHER GLEN CIR

53RD AVE

53RD AVE

GLEN EAGLES DR

BARCELONA ST

18TH ST

BRENTWOOD DR

ROSEHILL AVE



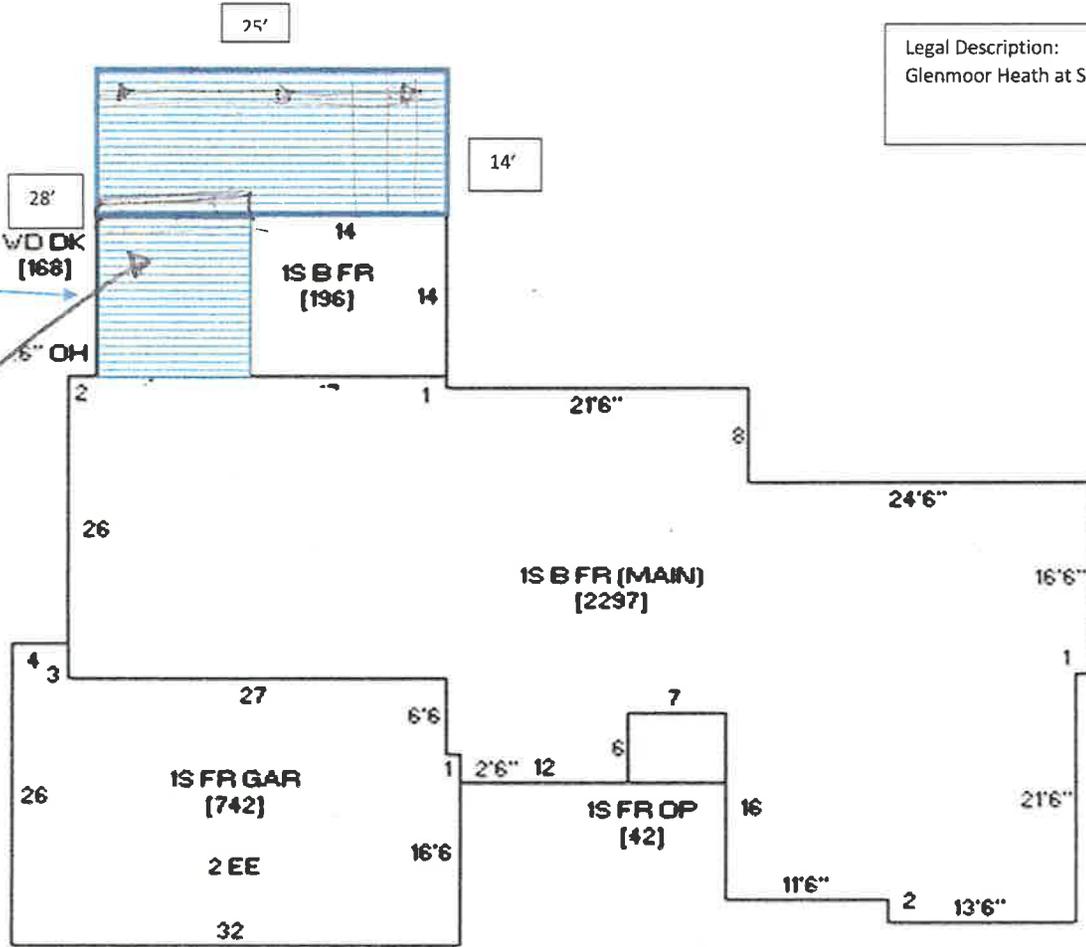
Greg Schmidt
Dream Builder's
(563)508-1079

www.dreambuildersqc.com

Wes Hand
5645 Barcelona
Bettendorf, Iowa

Legal Description:
Glenmoor Heath at St. Andrews 2nd Addition Lot 1

Existing Deck



Sketch by www.camavision.com

21LF 1S BRK

Attachment - B

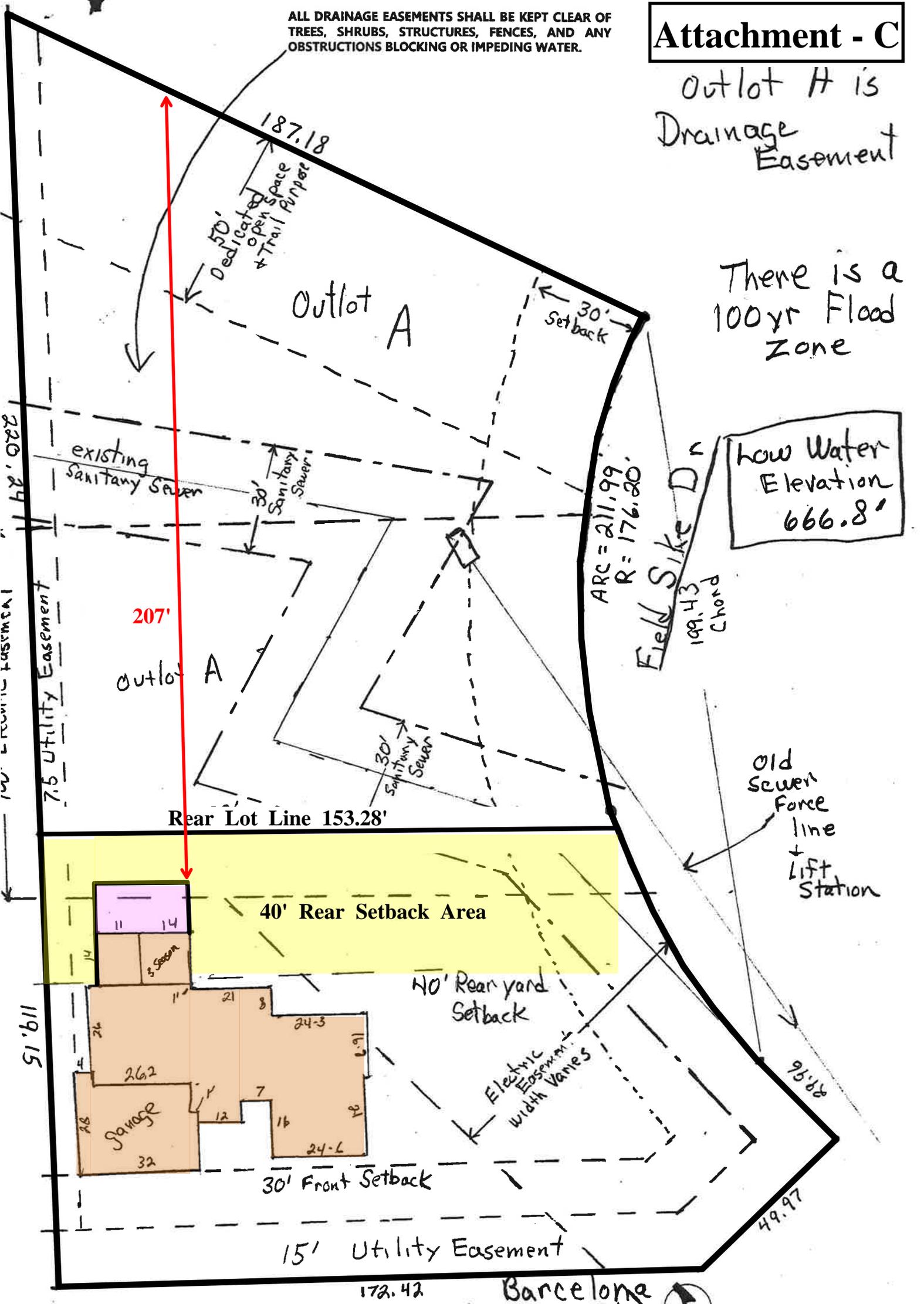
ALL DRAINAGE EASEMENTS SHALL BE KEPT CLEAR OF TREES, SHRUBS, STRUCTURES, FENCES, AND ANY OBSTRUCTIONS BLOCKING OR IMPEDING WATER.

Attachment - C

Outlot H is
Drainage
Easement

There is a
100yr Flood
Zone

low Water
Elevation
666.8'





BARCELONA ST



Case No. 16-047

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

Part 1. Property Involved. 5645 Barcelona St.
Street Address _____

Legal Description of the property. Lot 1, Glenmoor Heath at St Andrews
2nd Add and part of Outlot A

Part 2. Contact Information.

Applicant Name Wesley HAND Phone _____

Address _____ FAX _____

E-mail Address: WHAND@NUVASIVE.com

Owner Name _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

Agent Dream Builders 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

July 14, 2016

Staff Report

Case No. 16-048

Location: 5422 Cavan Crossing

Applicant: Towne & Country Bettendorf

Zoning Designation: PR-3, Single- and Two-family Residence (Overlay) District

Request: Variance to reduce the required rear yard setback from 25 feet to 20 feet to allow for construction of a 6-foot by 12-foot deck.

Background Information and Facts

The site is located at the southern terminus of Cavan Crossing and is on the west side of the cul-de-sac (see Attachment A – Location Map). The site is accessed by turning east onto Thunder Ridge Road from Devils Glen Road and then turning south onto Cavan Crossing. The applicant would like to add a 6-foot by 12-foot open deck off of the rear of the existing structure (see Attachment B – Plot Plan).

Staff Analysis

This residential lot is directly adjacent to a commercial zoning district, and the owner believes that the deck location will not have any adverse impact on the neighboring property (see Attachment C – Zoning Map). When the commercial area develops, the developer will be required by Code to provide a 25-foot wide landscaping buffer between the commercial lot and the applicant's lot; therefore, the applicant feels that the separation intent of the rear setback requirement will be met with the required buffer area.

The applicant also points out the fact that there is a significant elevation change between the residential lot and the neighboring commercial area (see Attachment D – Elevation Map). The elevation change is also illustrated on a house photo (Attachment E). The rear of the unfinished portion of the structure (an enclosed or "covered" deck) shown in Attachment E is where the requested open deck will be added. The applicant would like to add the open deck because it would be unsafe to use a grill on the current structure under construction since the roof and walls surround that part of the home. If allowed, the proposed deck would protrude approximately 5 feet or less into the rear setback.

The applicant feels that the combination of all of the above facts will ensure that the following Code requirements will be met:

- That the granting of variance 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 title.
- That it will not impair an adequate supply of light and air to adjacent property.
- That it will not unreasonably increase the congestion in public streets.
- That it will not increase the danger of fire or of the public safety.
- That it will not unreasonably diminish or impair established property values within the surrounding area.
- That it will not in any other respect impair the public health, comfort, safety, morals or welfare of the inhabitants of the city.

Respectfully submitted,

John Soenksen
City Planner



DEVILS GLEN RD

CAVAN CROSSING

GLENGEVILIN WAY

SITE

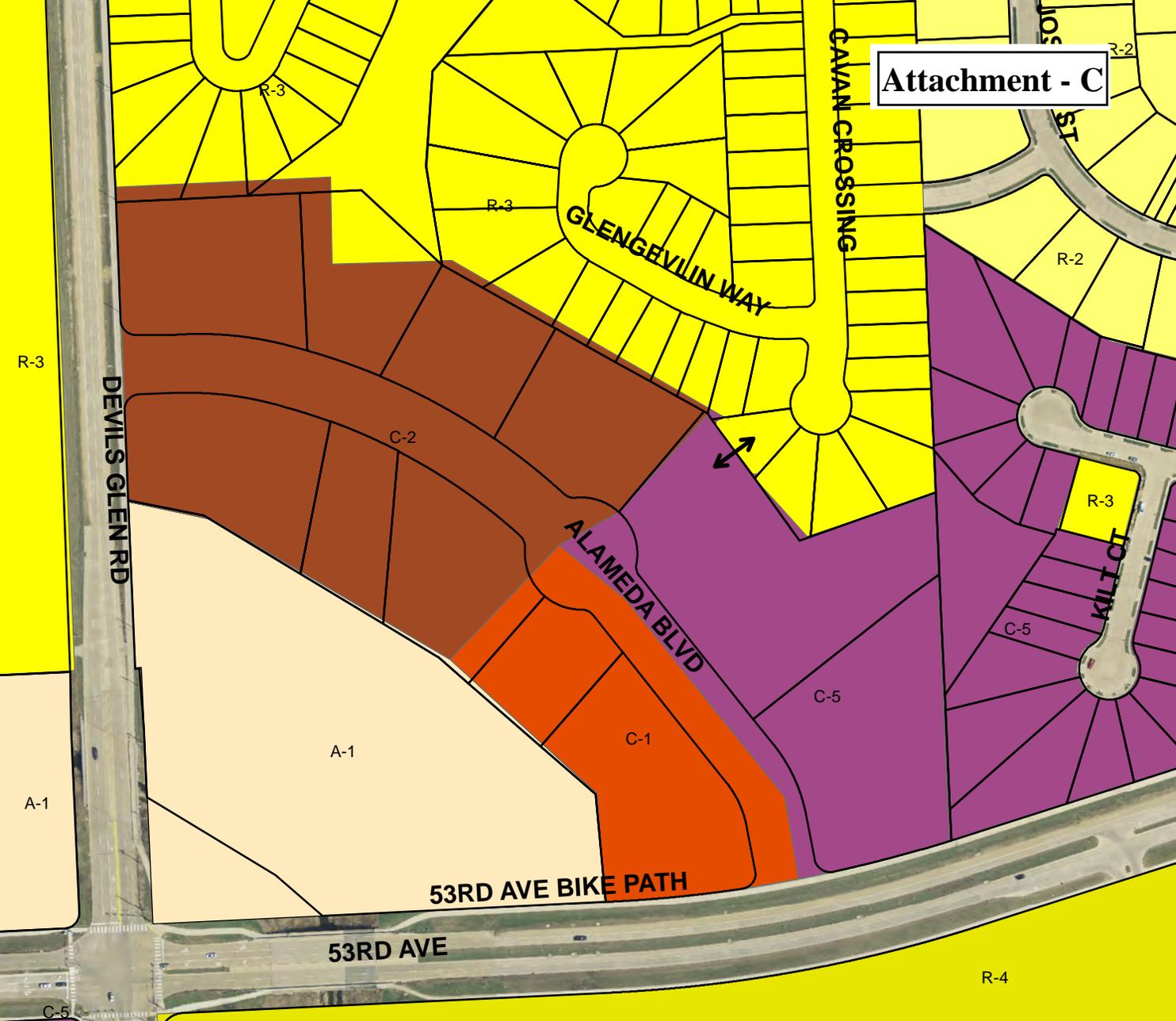
ALAMEDA BLVD

KILL CT

53RD AVE BIKE PATH

53RD AVE

Attachment - C



R-3

R-3

R-3

R-2

R-2

R-3

C-5

R-4

C-5

DEVILS GLEN RD

ALAMEDA BLVD

CAVAN CROSSING

GENGEVIN WAY

KILT CT

53RD AVE BIKE PATH

53RD AVE

C-2

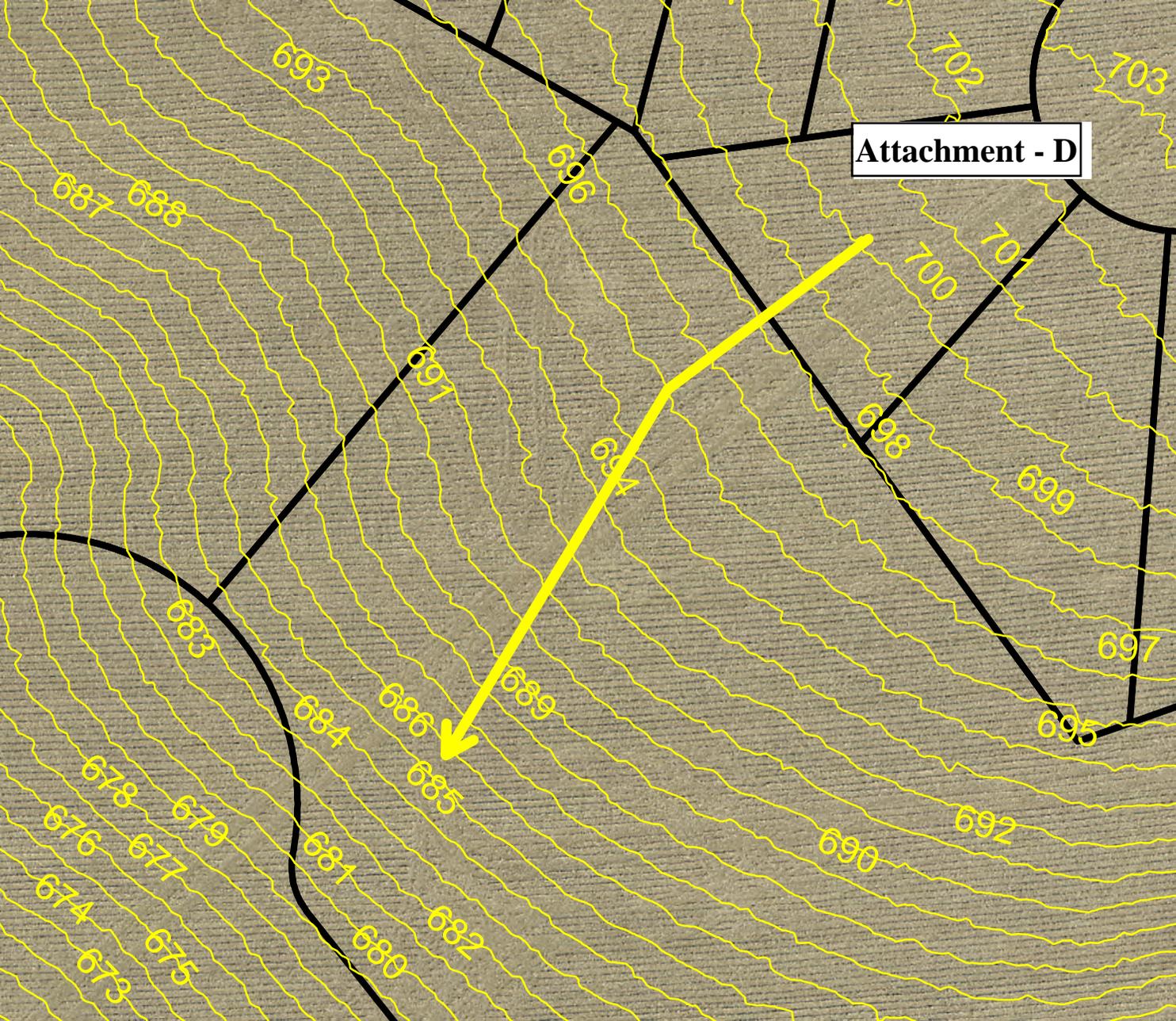
A-1

C-1

C-5

A-1

Attachment - D



Attachment - E





Case No. 16-048

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

Part 1. Property Involved.

Street Address 5422 Cavan Crossing

Legal Description of the property. Lot 13. Villas at Gengevlin 3rd Addition

Part 2. Contact Information.

Applicant Name Town & Country Bettendorf Phone 563-381-4088

Address 2660 E 53rd Street Davenport FAX 563-381-4073

E-mail Address: dan@dandolanhomes.com IA 52807

Owner Name Gilliland Trust Phone 563-203-2500 or

Address 5422 Cavan Crossing FAX 563-505-6246

E-mail Address: bstilljanecogmail.com

Agent Dan Nolan Phone 563-381-4088

Address 2660 E. 53rd St Davenport IA 52807 FAX 563-381-4073

E-mail Address: Dan@dandolanhomes.com

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

abc,def 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

July 14, 2016

Staff Report

Case No. 16-049

Location: 5572 Integrity Way

Applicant: Beaver Builders

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

Request: Variance to increase the allowable garage area from 734 square feet to 1,264 square feet.

Background Information and Facts

Last April the applicant requested and was granted a variance to increase the allowable garage area from 734 square feet to 1,040 square feet for a new house that was going to be constructed (the previous staff report is below). Prior to beginning construction on the home, the applicant is now seeking an even larger garage that if allowed would be 1,264 square feet or an additional 224 square feet larger than what was originally granted by the Board (see Attachment 1 – New Plot Plan). The living area of the house is 1,878 square feet. The allowable garage area to living area ratio is 40%. If allowed, this request will increase the garage ratio to 67%.

April 14, 2016

Staff Report

Case No. 16-021

Location: 5572 Integrity Way

Applicant: Beaver Builders

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

Request: Variance to increase the allowable garage area from 734 square feet to 1,040 square feet.

Background Information and Facts

The site is located off of 53rd Avenue and is accessible by: turning north on Beaver Meadows Lane, east on Tranquility Court, north on Idaho Drive, and finally west on

Happiness Lane that eventually turns into Integrity Way (see Attachment A – Location Map).

Staff Analysis

The applicant would like to build a 1,835 square foot house with an attached 1,040 square foot garage. The garage is 306 square feet (or nearly 42%) larger than is allowed per Code regarding living area to garage ratio.

The applicant advises that the house design will resemble the other completed houses and those currently being built in the subdivision. The house design will give the appearance of a typical three-car garage with one section being two cars deep which accounts for the additional requested square footage.

In the past the Board has indicated that the intent of the Code ratio requirement is to ensure an aesthetic uniformity to neighborhoods. In addition, the Board has ruled that as long as the outward appearance is consistent with the other homes in the area the additional square footage is not a primary issue and thus meets the Code’s intent. The Director has indicated that the zoning ordinance which is now being revised will codify those points eliminating the need for these types of variances in the future.

Staff Recommendation

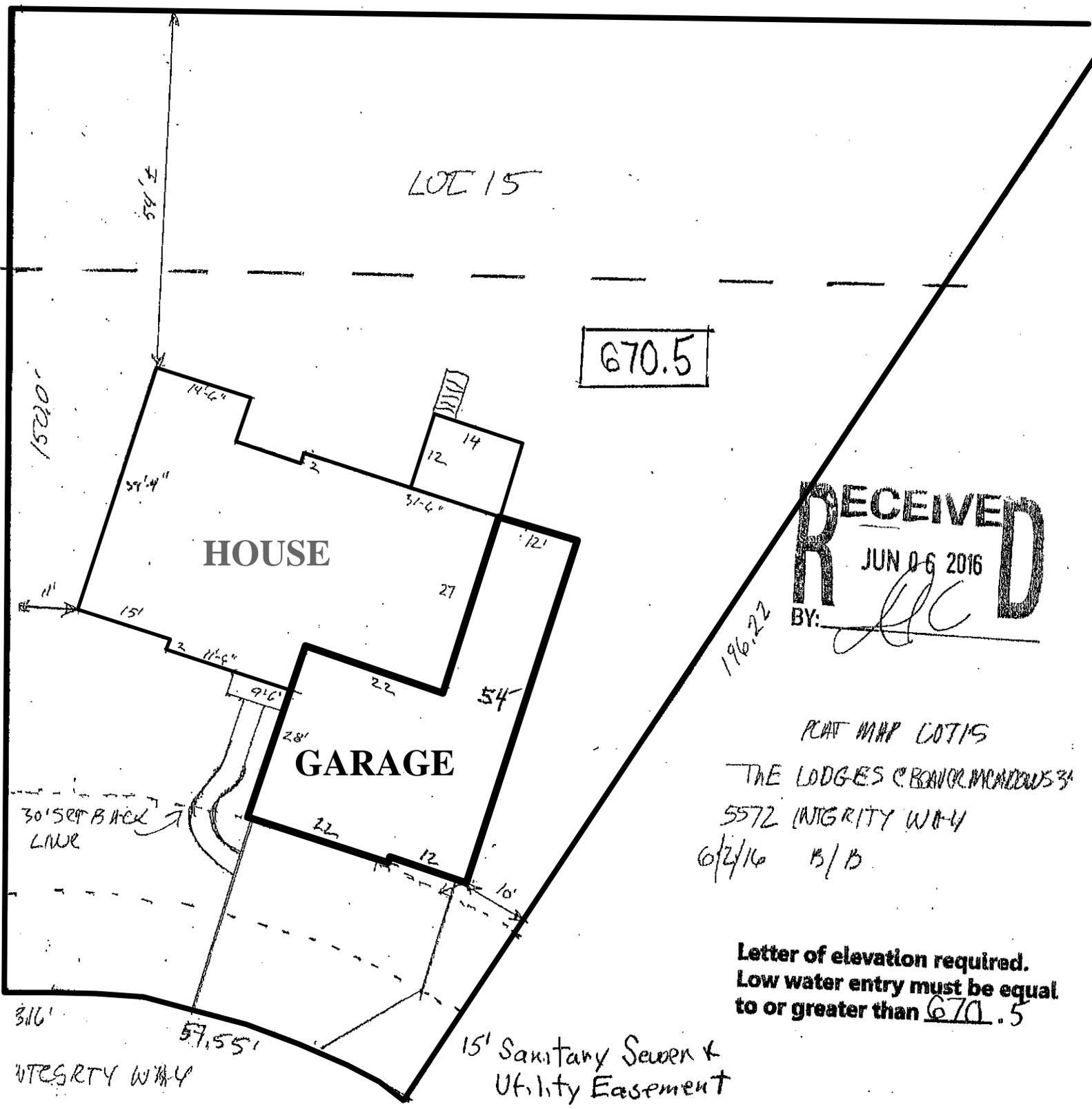
The request is consistent with the direction the Board has requested staff to take in the pending ordinance recodification and also consistent with other approvals granted by the Board.

Respectfully submitted,

John Soenksen
City Planner

PLOT PLAN

167.93'



670.5

RECEIVED
 JUN 06 2016
 BY: *[Signature]*

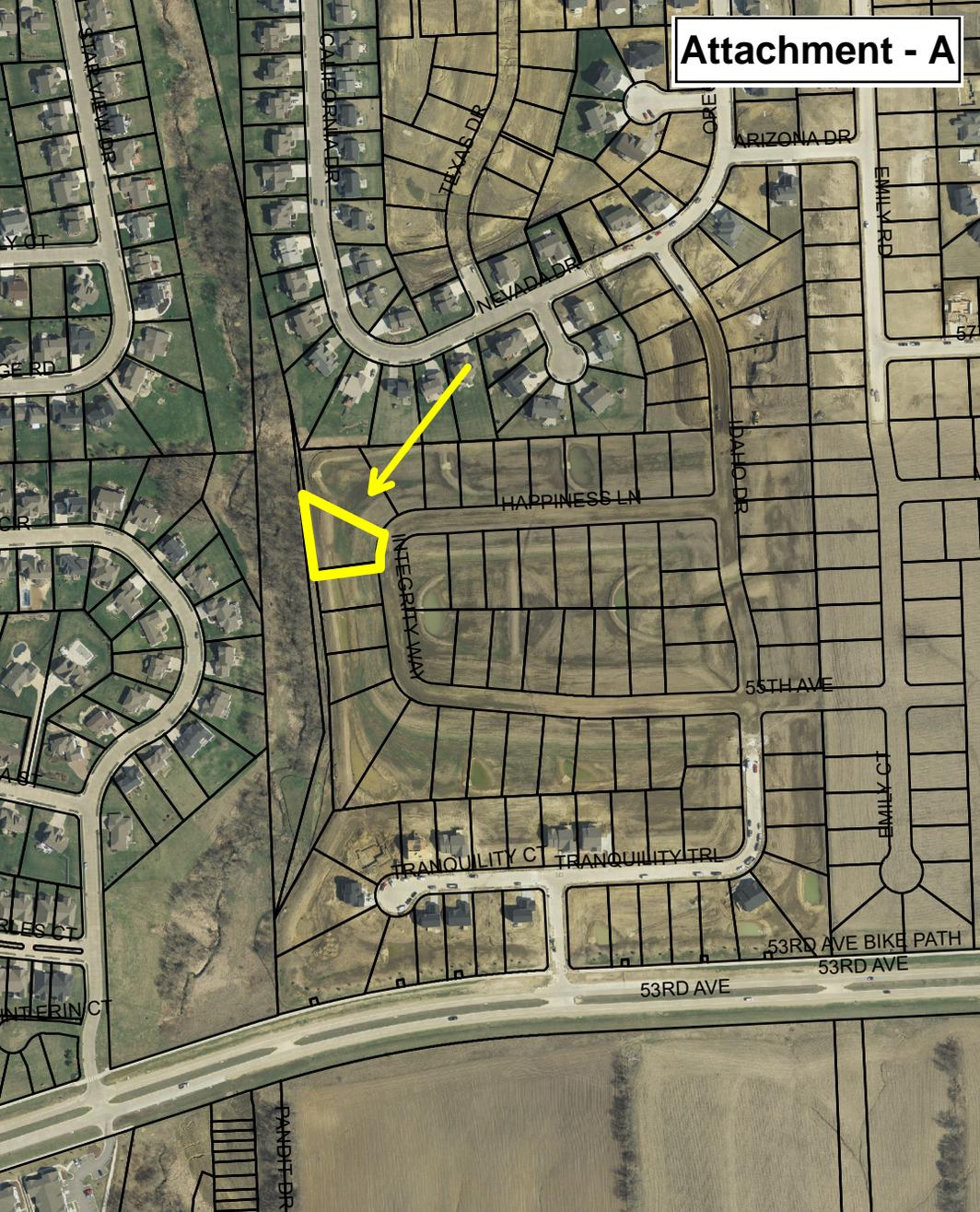
PLAT MAP LOT 15
 THE LODGES @ BONAIRE MARSHES 31'
 5572 INTEGRITY WAY
 6/2/16 B/B

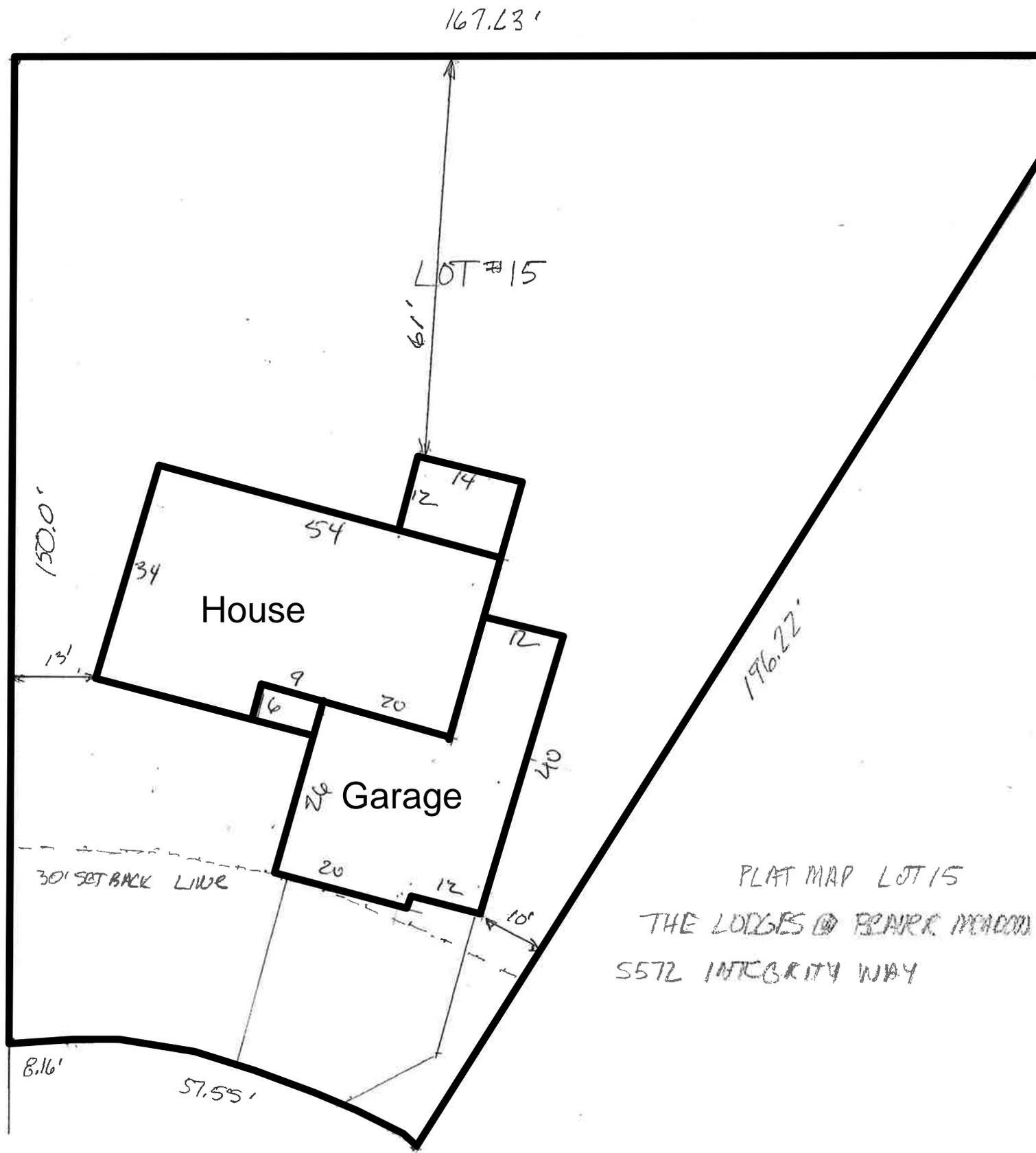
**Letter of elevation required.
 Low water entry must be equal
 to or greater than 670.5**

Front Setback 30
 Side Setback Min 5 Total 70
 Rear Setback 40



Attachment - A





167.23'

LOT #15

61'

150.0'

House

Garage

30' SETBACK LINE

PLAT MAP LOT 15

THE LODGES @ PEARL MOUND

5572 INTEGRITY WAY

196.22'

8.16'

57.55'

13'

34

54

12

14

9

6

20

12

40

20

Garage

20

12

10'



Case No. 16049

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

Part 1. Property Involved.

Street Address 5572 INTEGRITY WAY

Legal Description of the property. LOT 15 The Lodges @ Beaver

MEADOWS 3RD ADDN

Part 2. Contact Information.

Applicant Name BOB BULLER Phone 309-269-7546

Address 4270 TRANQUILITY CT Bett FAX _____

E-mail Address: Bob@BeaverBuilders.com

Owner Name _____ 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.)



COMMUNITY DEVELOPMENT

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

July 14, 2016

Staff Report

Case No. 16-050

Location: 931 State Street

Applicant: Dev Bastola

Zoning Designation: C-3, General Business District

Request: Variance to reduce the required front yard setback for an on-premises identification sign from 20 feet to 0 feet.

Background Information and Facts

The site is located south of the intersection of 10th Street and State Street (see Attachment A – Location Map). The applicant would like to place a freestanding sign on the near the west property line with the frontmost portion of the sign at the front property line (see Attachment B – Site Plan).

Staff Analysis

The applicant point out three site items that impede the required setback location for a freestanding on-premises identification sign:

1. If the sign is located at the required setback on the west side of the site the sign visibility will be completely blocked by an existing billboard as shown on Attachment B.
2. If the sign is located at the required setback on the east side of the site it will be obscured by the canopy covering the gas pump area shown on Attachment B. That canopy location was allowed by a variance previously approved by the Board.
3. Five feet of additional right-of-way was recently acquired from this site for the downtown reconfiguration related to the Interstate 74 Corridor Project (see Attachment C – Right-of-Way Acquisition). Due to that acquisition, the front property line has moved south and the required setback must be calculated from the new property line.

The new downtown development standards require that monument signs be no taller than 20 feet and no larger than 100 square feet. The proposed sign complies with those standards (see Attachment D – Sign Illustration).

At this location, State Street will remain a one-way street with all traffic eastbound. When looking west exiting the site, the roadway curves slightly northward allowing a safe line-of-sight for vehicles existing the new gas station even if the variance is granted (see Attachment E – Line-of-Sight).

Staff calculates that the new sign could be set back a maximum of 10 feet from the new property line and would be forward (north) of the billboard. At that setback the rear of the new sign would be even with the front of the billboard and perhaps the sign may appear to blend in with the existing billboard. Staff can understand that the applicant would like to have some type of separation from the billboard. Staff believes that a setback between 5-9 feet for the proposed sign on the west side of the property will fulfill the applicant's need and address the site difficulties.

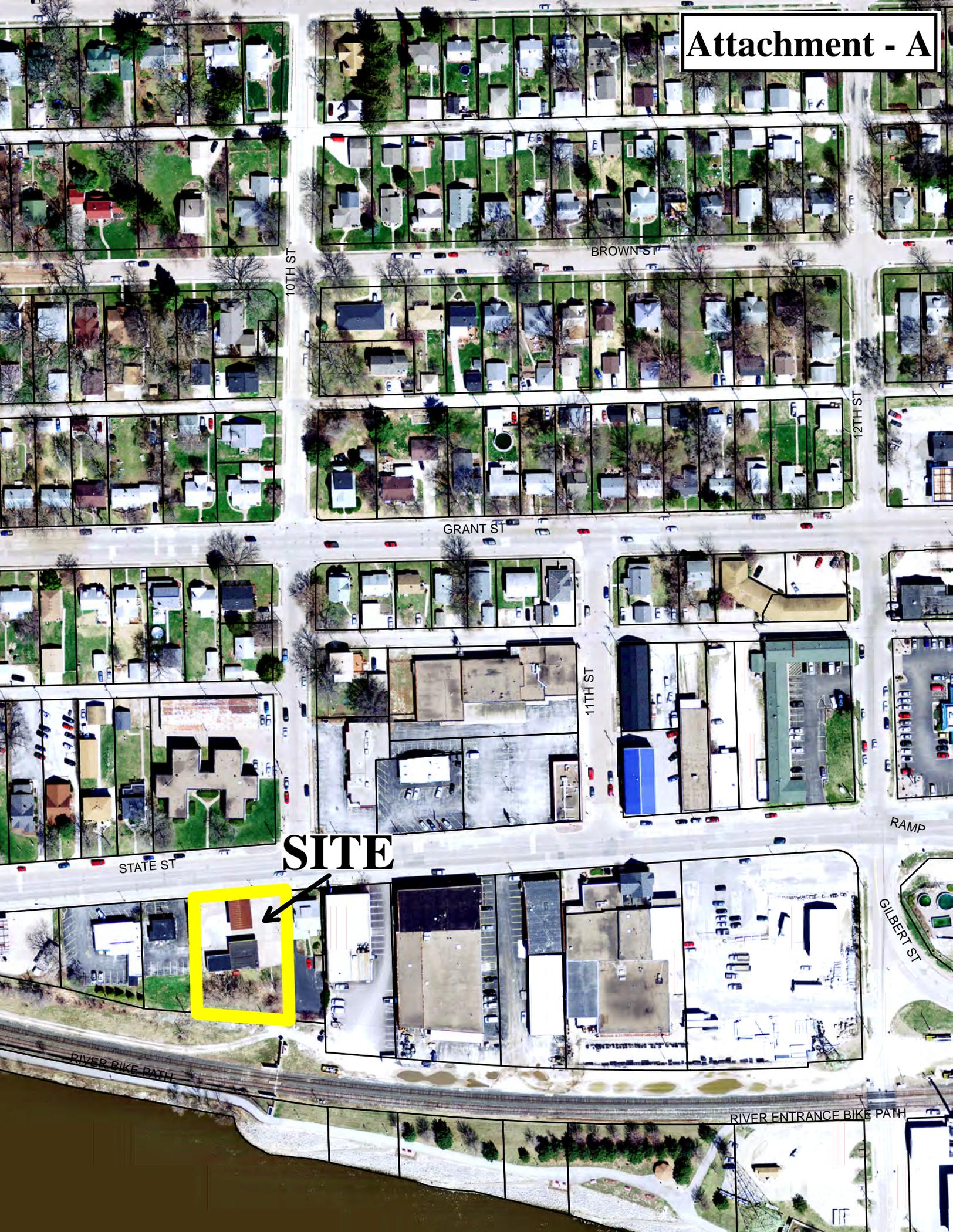
Staff Recommendation

The applicant has demonstrated a hardship related to the sign placement on this site.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE



BROWN ST

GRANT ST

11TH ST

12TH ST

STATE ST

RAMP

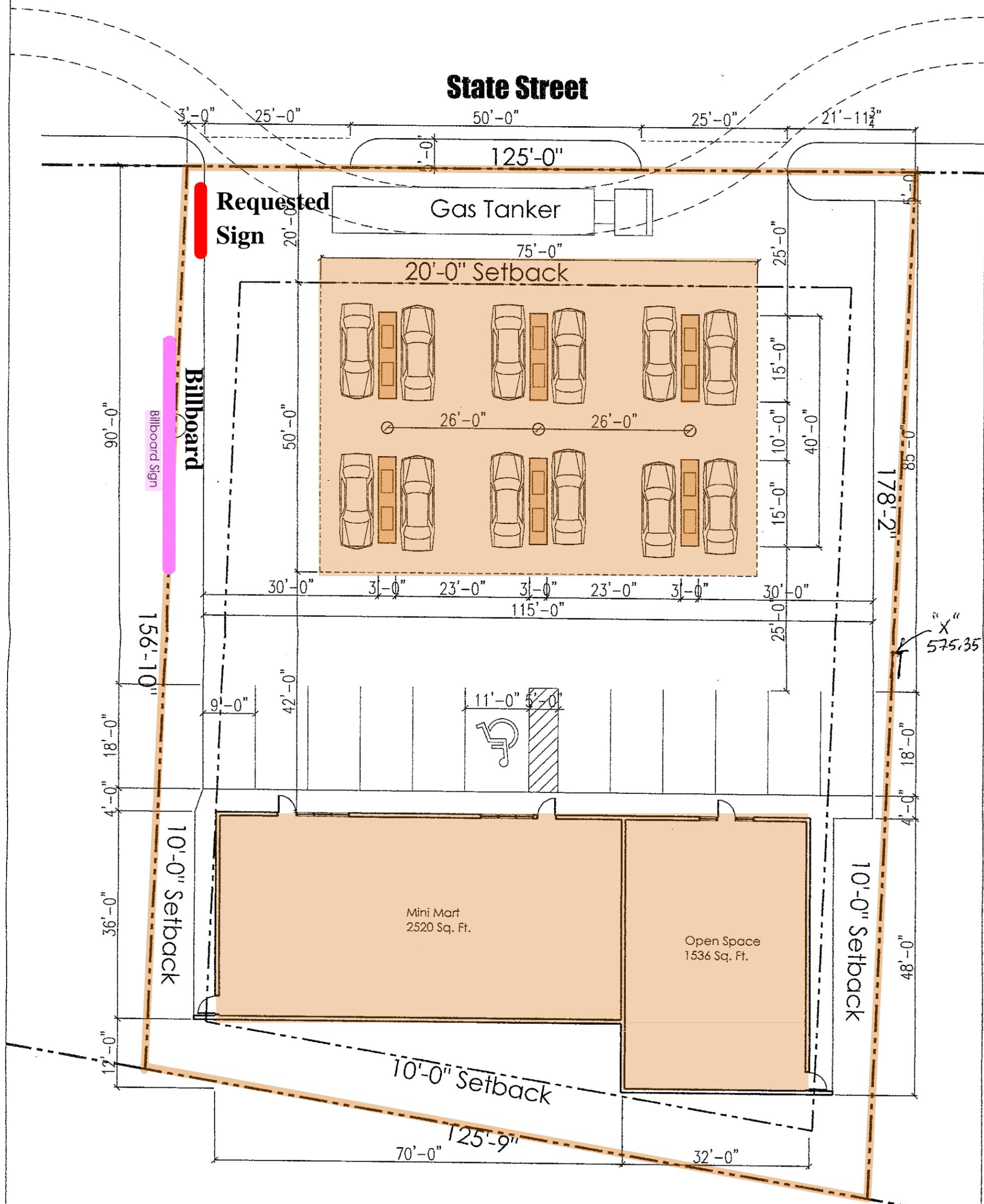
GILBERT ST

RIVER BIKE PATH

RIVER ENTRANCE BIKE PATH

Attachment - B

REQ. FLR = 569.2



SITE PLAN
Scale: 1/16" = 1'-0"

PROJECT NUMBER 2014-45	SHEET NUMBER A-1	DATE 9/2/14	I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLY TO THE CITY OF BETTENDORF, IA BUILDING CODES AND ORDINANCES.	DEV BASTOLA 931 STATE ST BETTENDORF, IA	ITALO MILANI ARCHITECT, P.C., AIA 2801 12TH AVE, ROCK ISLAND, IL PH. (309) 788-5304 FAX (309) 788-5100
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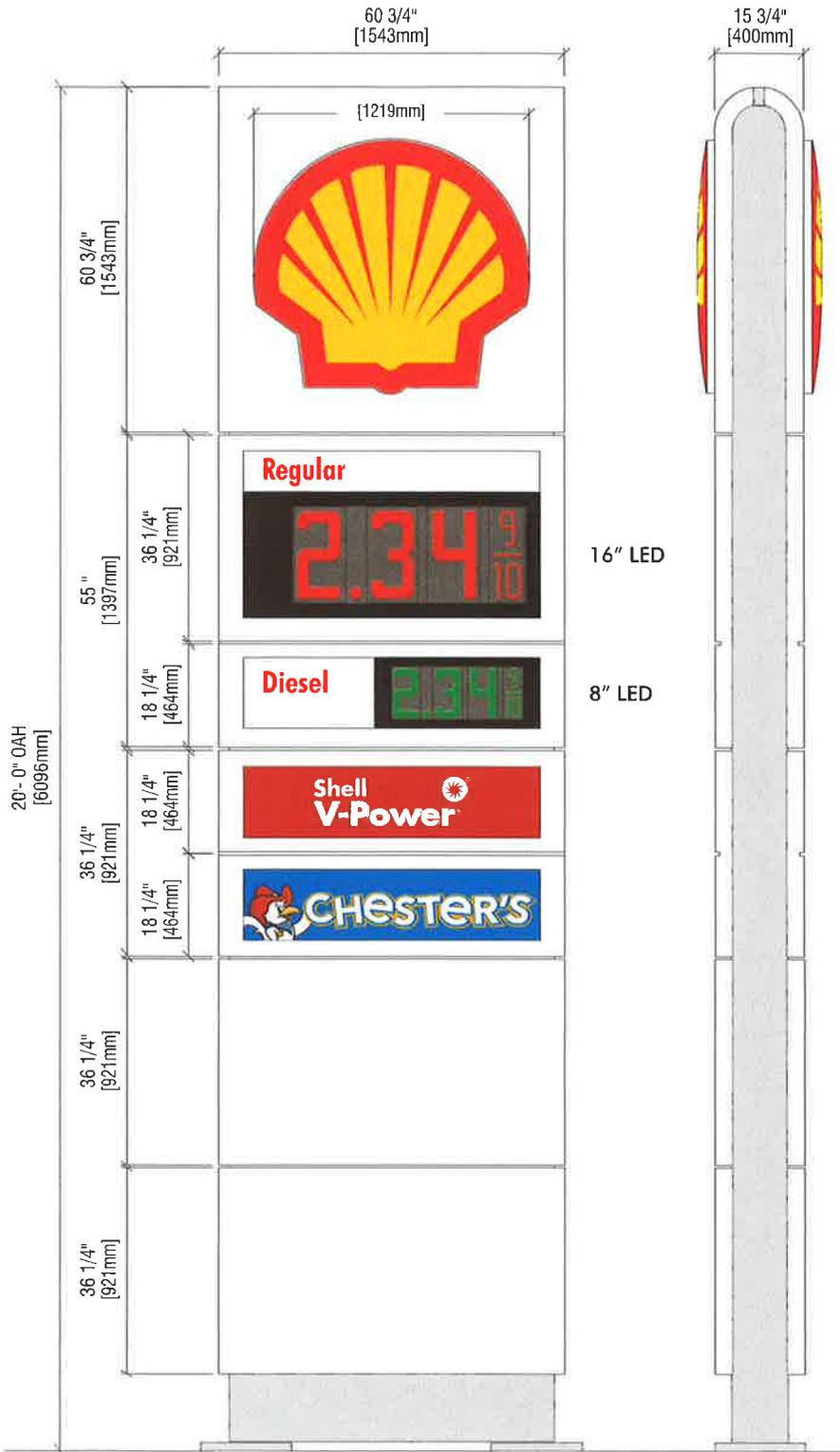
Attachment - C

10TH ST

STATE ST

Addition 5' ROW





Cabinet Elevation
 Scale: 3/8" = 1'

Side View

1500 North Bolton • Jacksonville, Texas 75766
 (903) 589-2100 • Fax (903) 589-2101

Building Quality Signage Since 1901

Revisions:

1
2
3
4
5
6
7

Account Rep: **Dan Hull**

Project Manager: **V. Hernandez**

Drawn By: **Mike Lees**

Project / Location:

Shell
RVI Evolution
GLOBAL

U Underwriters Laboratories Inc. **nec** ELECTRICAL TO USE ILL LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS.
 ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 48 AND ARTICLE 600 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

THIS DRAWING IS YOUR FINAL PROOF: IT SUPERCEDES ALL VERBAL AND WRITTEN COMMUNICATION. BY SIGNING BELOW YOU ARE AUTHORIZING US TO MANUFACTURE TO THESE SPECIFICATIONS.

Client Approval/Date:

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company LLC or its authorized agent. © 2008
 Colors Depicted In This Rendering May Not Match Actual Material Finishes. Refer To Product Samples For Exact Color Match.

Job Number: **163767**

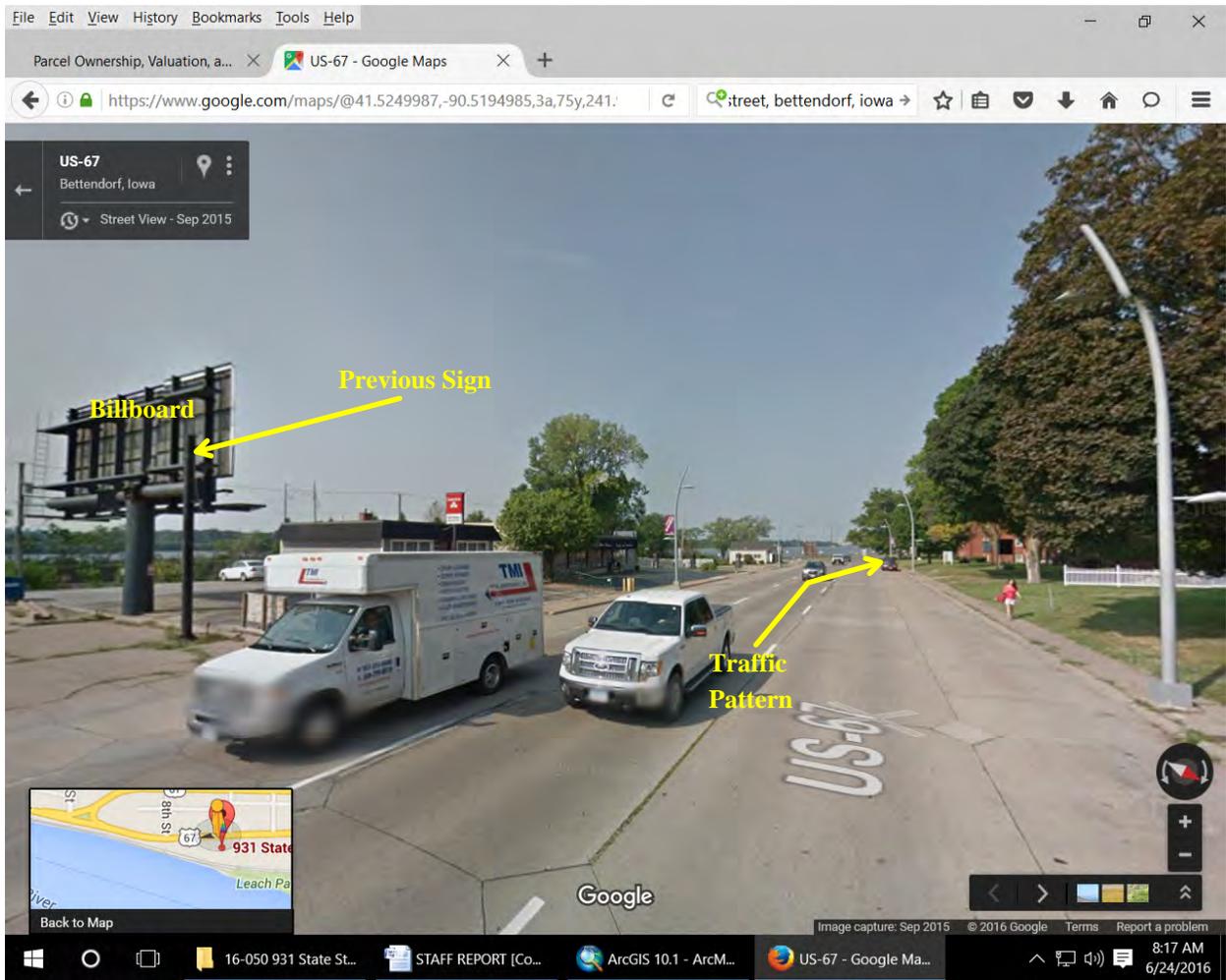
Date: **6.7.16**

Sheet Number: **1** of **1**

File Name: **SG163767_e**

Design Number:

Attachment - E





Case No. 16-050

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

Part 1. Property Involved. Street Address 931 State Street

Legal Description of the property. _____

Part 2. Contact Information.

Applicant Name Michelle Cogh. II/A - ISig LLC Phone 563 381-1477
Address 3667 Hwy 61 Box 486 Blue Grass IA FAX 563-381-1480
E-mail Address: ajsign@a1signbiz 52726

Owner Name Dev Bastola Phone 563 650-3507
Address _____ FAX _____
E-mail Address: devbastola@yahoo.com or saraminimart@yahoo.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-3

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

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

Requesting a variance from 20' to 0' for a free standing
Business sign 20' high and 75 sq 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 _____ day of _____, 20____.

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

State of Iowa)
) SS
 County of Scott)

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledged 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 06 day of June, 2016

[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 \$100.00 Date 6-6-2014



COMMUNITY DEVELOPMENT

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

July 14, 2016

Staff Report

Case No. 16-051

Location: 702 Eighth Street

Applicant: Adam Smith

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

Request: Variance to reduce the established front yard setback from 7 feet to 3 feet 9 inches to allow for construction of a new deck.

Background Information and Facts

The site is located on the northwest corner of the intersection of Eighth Street and Jones Street (see Attachment A – Location Map). The applicant would like to add a new deck that will connect the house to an aboveground swimming pool (see Attachment B – Plot Plan). The southernmost portion of the house is currently seven feet from the south property line adjacent to Jones Street as shown on Attachment B. The new deck, if allowed, would be within three feet nine inches of the south (front) property line.

Staff Analysis

Because the original structure was built in the 1920s, the original front setback off of Jones Street was “established” decades ago. The established setback for the property is currently closer than the other homes on the north side of Jones Street in this same block (see Attachment C – Setback Illustration).

Throughout the city front property lines are routinely found approximately one foot back from public sidewalks. On the south side of Jones Street the property line is indeed approximately one foot back of the sidewalk. On the applicant’s lot, the front property line is approximately 10 feet back of the sidewalk (see Attachment D – Property Line Location). Because of this, the setback appearance for the subject property from Jones Street does not appear significantly closer to the street than do the other properties on the south side of Jones Street.

As shown on Attachment B, the deck structure will have two levels: an upper deck that will allow walk-in access to the pool; and a lower level that will allow walk out access from the sliding glass doors from the rear of the house section closest to Jones Street.

Staff has developed a reconfigured plot plan for the deck keeping the front (Jones Street side) portion of the deck parallel to the established front setback along Jones Street (see Attachment E – Reconfigured Plot Plan). Attachment E shows the proposed deck configuration in red and the reconfigured deck plan in green. Admittedly, the reconfigured deck plan is narrower as it is less than nine feet wide and would not allow a significant amount of room for grilling and seating. The open portion of the yard between the main house section and the upper deck will remain open to allow future construction of a room addition at a sufficient distance (required separation) from the pool. This limits the applicant's ability to widen the lower portion of the deck without obtaining a variance.

Staff Recommendation

If the only reason for the variance request is due to the anticipated future room addition to the rear (west) of the main portion of the house, then staff would have to interpret the hardship as being self-imposed.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



MISSISSIPPI BLVD

HALL ST

JONES ST

HOLMES ST

BROWN ST

GRANT ST

STATE ST

RIVER DR

RIVER BIKE PATH

8TH ST

9TH ST

10TH ST

11TH ST

12TH ST

13TH ST

15TH ST

15TH ST

GILBERT ST

ISLE PKWY

RAMP

INT 74

RAMP

KIMBERLY RD

RAMP

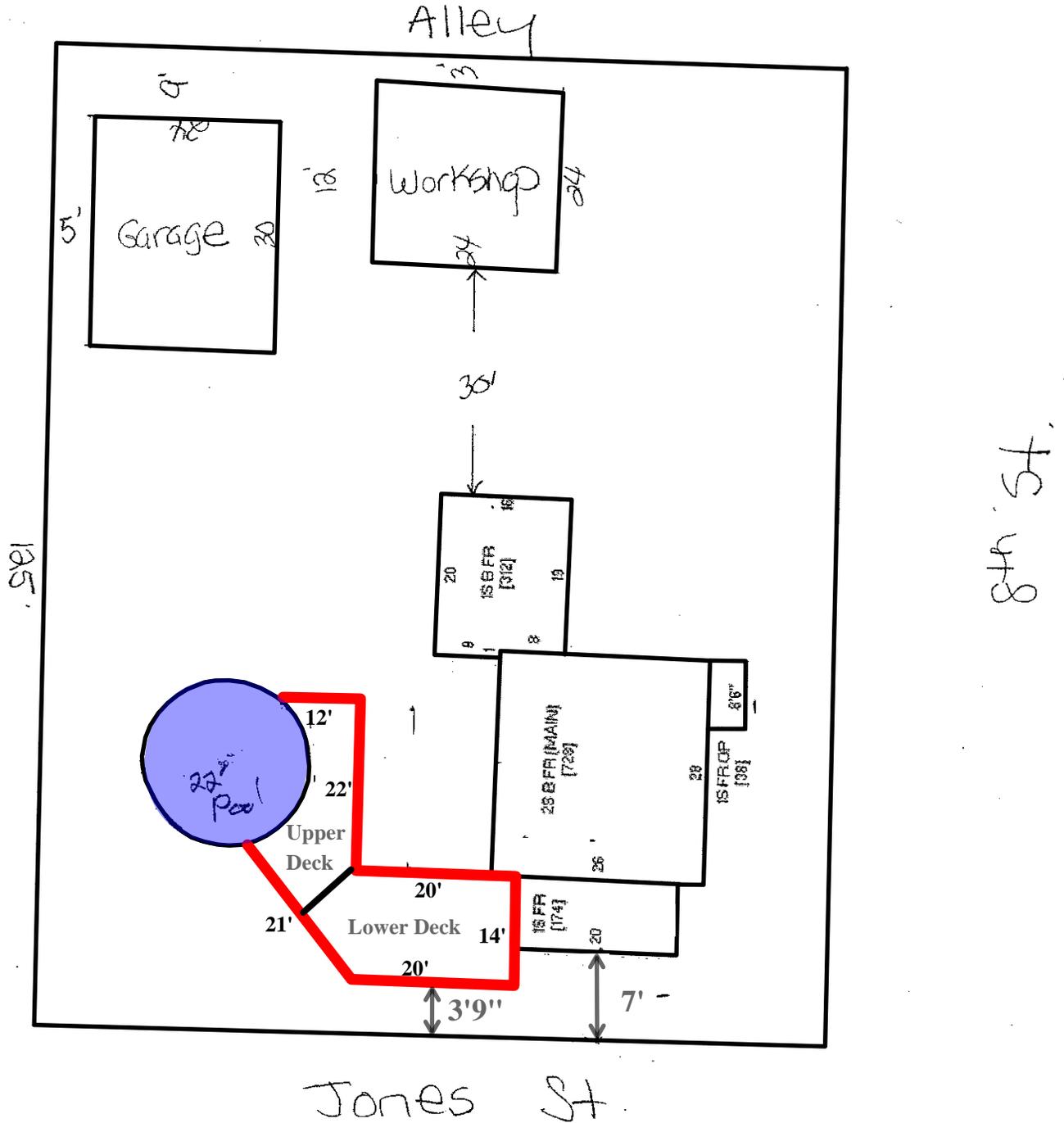
INT 74

RAMP

RAMP

PLOT PLAN

Attachment - B



Front Setback _____
 Side Setback Min _____ Total _____

Rear Setback _____

Scale 1" = 20'

Indicate North

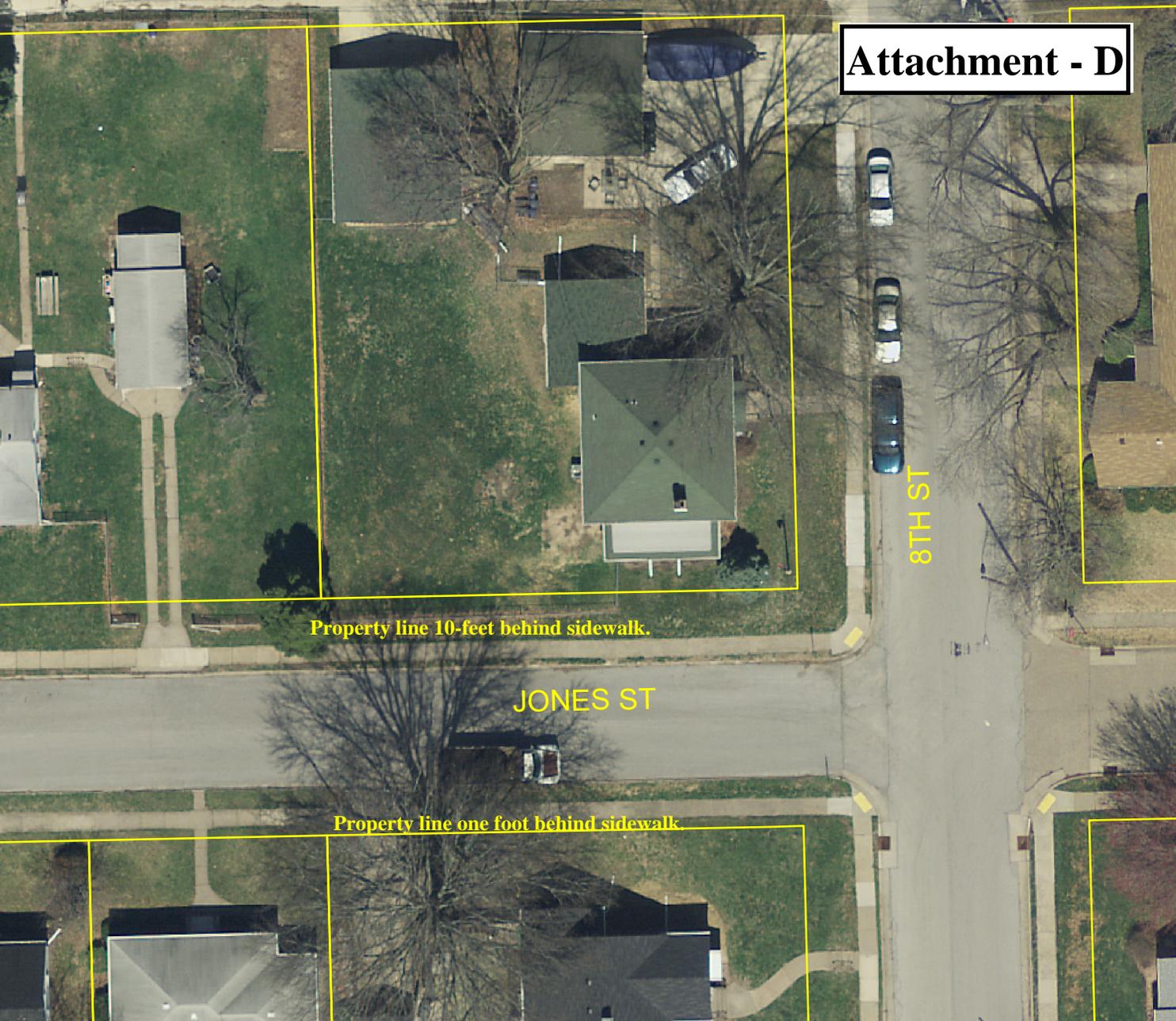
Attachment - C



JONES ST

8TH ST

Attachment - D



Property line 10-feet behind sidewalk.

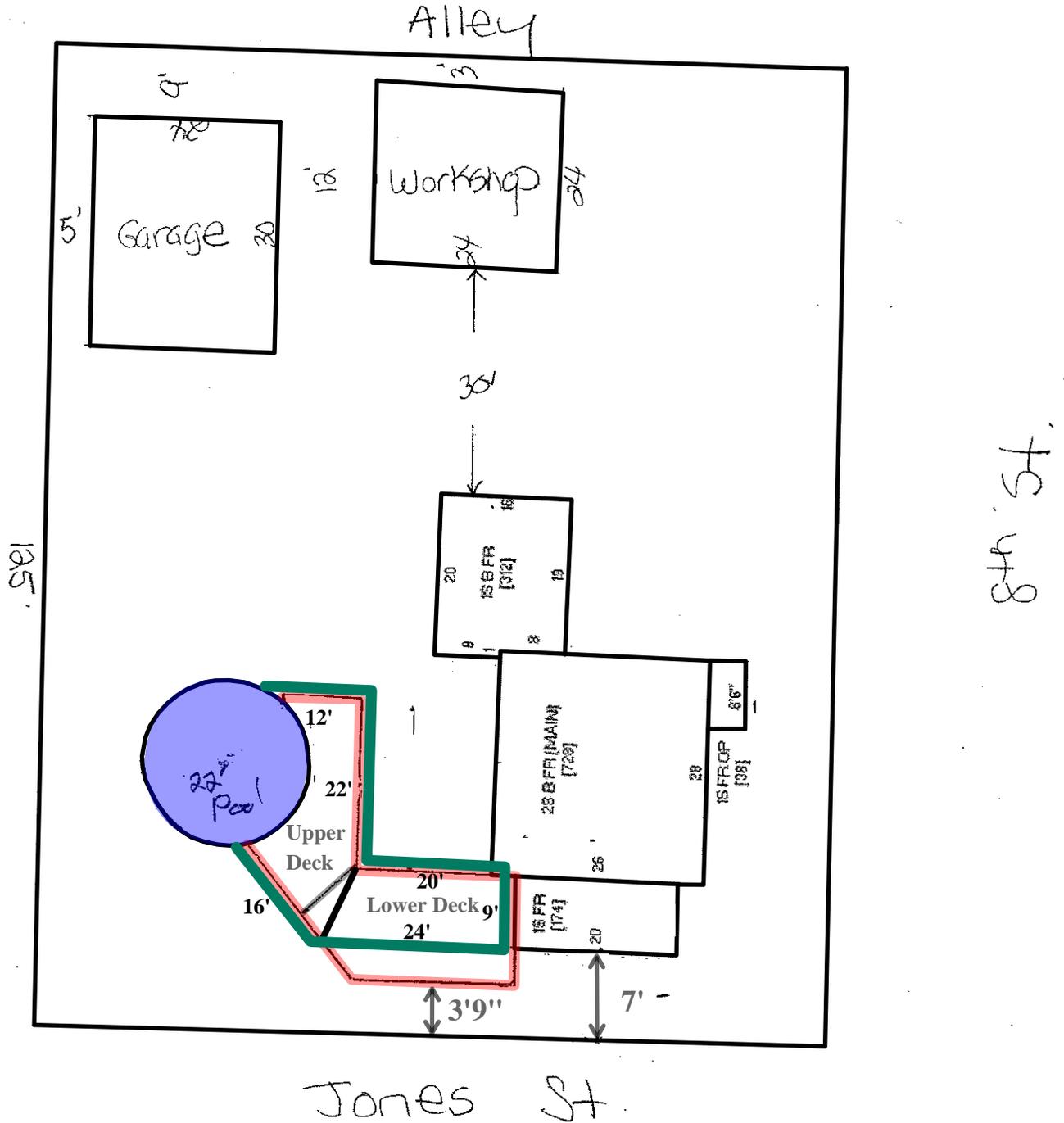
JONES ST

8TH ST

Property line one foot behind sidewalk.

PLOT PLAN

Attachment - E



Front Setback _____
 Side Setback Min _____ Total _____

Rear Setback _____

Scale 1" = 20'

Indicate North



Case No. 16-051

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

Part 1. Property Involved

Street Address 702 8th Street

Legal Description of the property. Single family home
LOT 14 BLOCK 3, RIVERVIEW ADDITION

Part 2. Contact Information.

Applicant Name Adam Smith Phone (503) 508-7227
Address 702 8th Street FAX _____
E-mail Address: dayfshr@msn.com

Owner Name Adam Smith Phone (503) 508-7227
Address 702 8th Street FAX _____
E-mail Address: dayfshr@msn.com

Agent _____ Phone _____
Address _____ FAX _____
E-mail Address: _____

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

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

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

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

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

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

Part 4. General Information.

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

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

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

I request a variance to reduce established front yard set back from 7 feet to 3 feet 9 inches, for a deck coming off the house to pool.

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 *Adh W Smith* Signature of Owner *Adh W Smith*
 (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 27th day of June, 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 *AKM*
 Amount 50.00 Date 6/27/16
Cash





COMMUNITY DEVELOPMENT

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

July 14, 2016

Staff Report

Case No. 16-052

Location: 4823 Mason Run

Applicant: Premier Custom Homes

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

Request: Variance to reduce the required rear yard setback from 40 feet to 27 feet to allow construction of a deck.

Background Information and Facts

The site is located on the south side of the cul-de-sac terminus of Mason Run and is accessed from 53rd Avenue by turning north onto Beaver Meadows Lane, east on to Tranquility Trail, north on to Idaho Drive, east on to 55th Avenue, north on to Emily Road, and final turning east on to Mason Run (see Attachment A – Location Map). The applicant would like to build a new home including an attached rear deck that will encroach into the required 40-foot rear yard setback (see Attachment B – Plot Plan).

Staff Analysis

The applicant points out a combination of items regarding this variance request. First is the fact that the buildable area between the front and rear setback lines is far more restrictive than almost all of the other lots in the subdivision. Lots 11 and 8 are only 46 feet deep between the front and rear setback lines (see Attachment C – Final Plat). The majority of all other lots have 71 feet between the front and rear setback lines (see Lots 3-7 and Lots 11-16 on Attachment C). Lot 3 has a 75-foot deep area between the setback lines, and Lot 10 has a 104-foot deep area between the setback lines.

The lot is part of Haley Heights Third Addition. Part of the subdivision, including this lot, is zoned R-1, Single-family Residence District with 30-foot required front yard setbacks and 40-foot rear yard setbacks. There are another 12 lots in the subdivision that are zoned R-3, Single and Two-family Residence District for which only a 25-foot rear yard setback is required. If the lot in question was zoned R-3, the proposed house footprint (including the attached deck) would have been allowed without a variance.

The applicant indicates that the chosen footprint for the house is “minimal” compared to other homes built and being built in this neighborhood. The total depth of the proposed house from front to rear is 59 feet. The house at 4809 Mason Run is 70 feet deep (see Attachment D). The house at 4876 Mason Run is 67 feet deep (see Attachment E). The house at 4877 Mason Run is 78 feet deep (see Attachment F). The home at 4796 Mason Run is 46 feet deep (Attachment G). It is staff’s perspective that the chosen footprint of the proposed house is not excessive (including the depth of the house footprint and attached deck) given the development of the rest of the neighborhood.

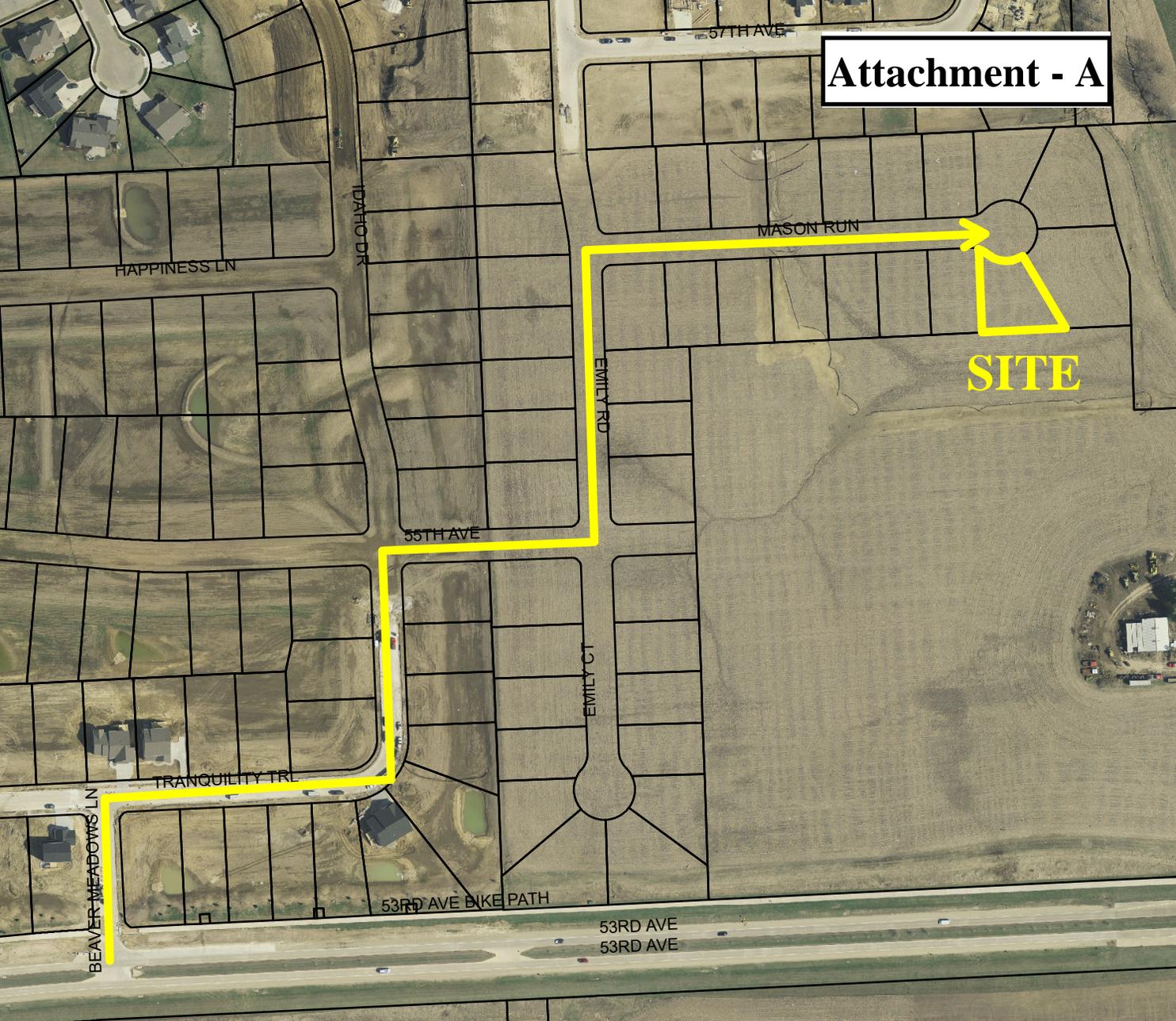
Staff Recommendation

If the Board accepts the applicant’s perspective regarding the lot size and configuration coupled with the zoning requirement for setbacks, then a hardship has been demonstrated. If approved, the Board should anticipate a similar variance request for Lot 8 (see Attachment C).

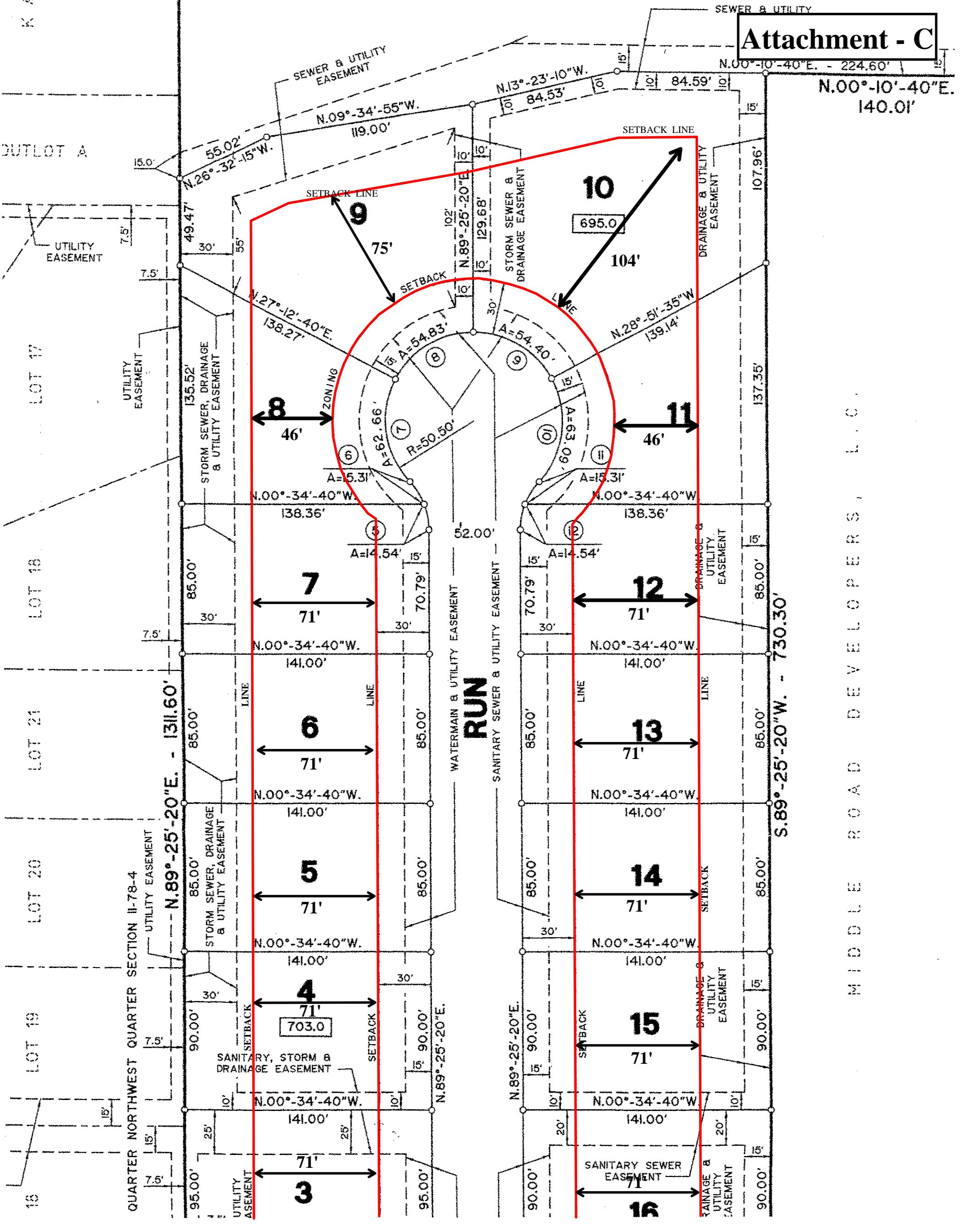
Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE



QUARTER NORTHWEST QUARTER SECTION II-78-4

N.89°-25'-20"E. - 1311.60'

S.89°-25'-20"W. - 730.30'

WATERMAIN RUN

OUTLOT A

LOT 17

LOT 18

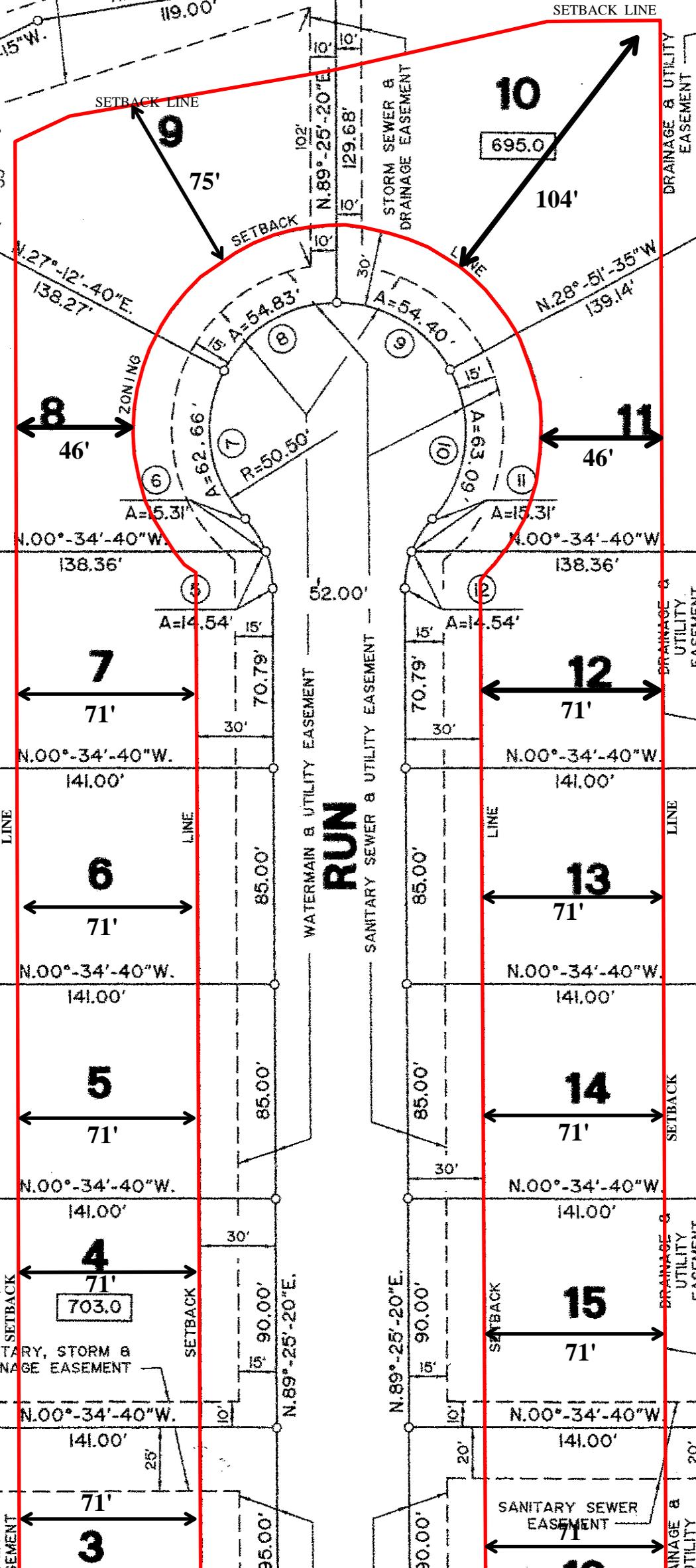
LOT 21

LOT 20

LOT 19

18

MIDDLE ROAD DEVELOPERS, L.L.C.



695.0

703.0

K

SEWER & UTILITY

N.00°-10'-40"E. - 224.60'
140.01'

OUTLOT A

UTILITY EASEMENT

UTILITY EASEMENT

STORM SEWER, DRAINAGE & UTILITY EASEMENT

ZONING

SETBACK LINE

SETBACK LINE

WATERMAIN & UTILITY EASEMENT

SANITARY SEWER & UTILITY EASEMENT

STORM SEWER & DRAINAGE EASEMENT

DRAINAGE & UTILITY EASEMENT

DRAINAGE & UTILITY EASEMENT

DRAINAGE & UTILITY EASEMENT

DRAINAGE & UTILITY EASEMENT

OUTLOT A

LOT 17

LOT 18

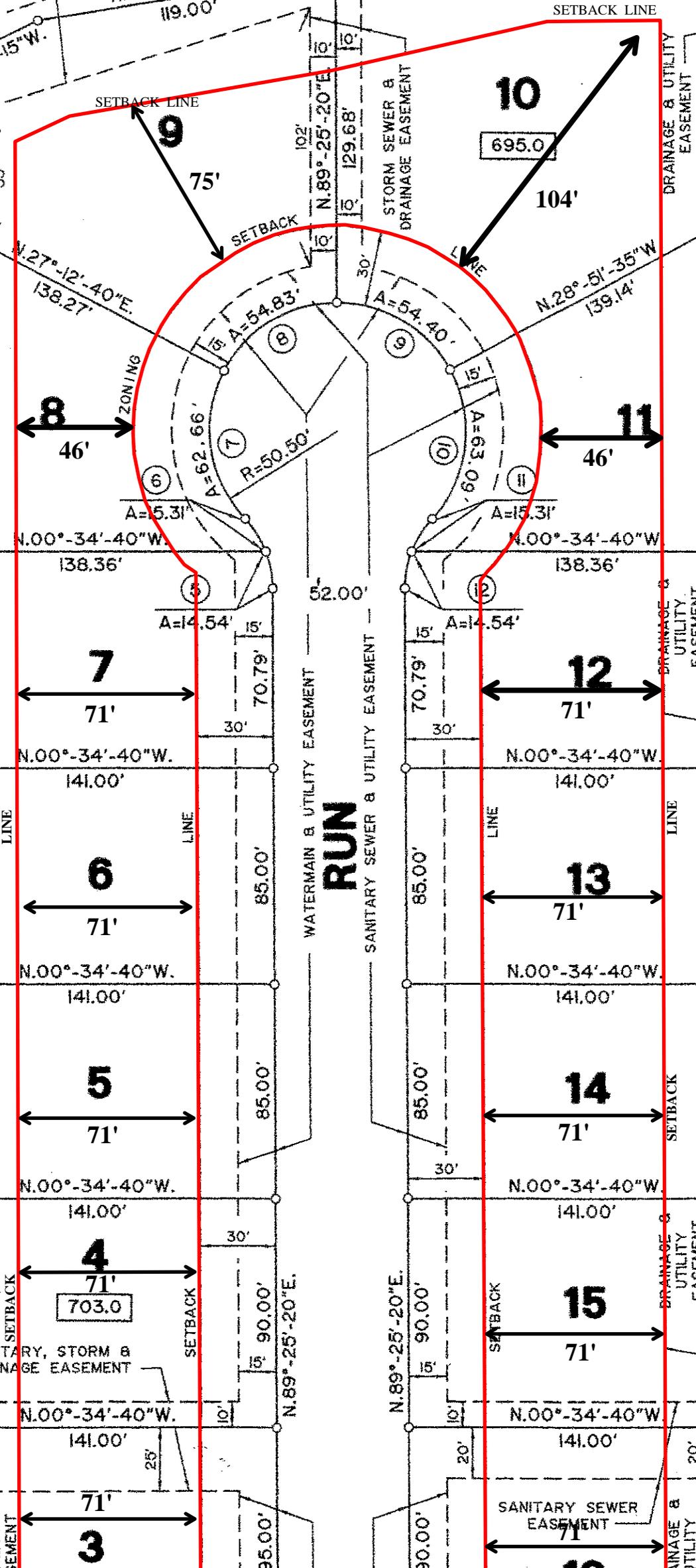
LOT 21

LOT 20

LOT 19

18

MIDDLE ROAD DEVELOPERS, L.L.C.



695.0

703.0

K

SEWER & UTILITY

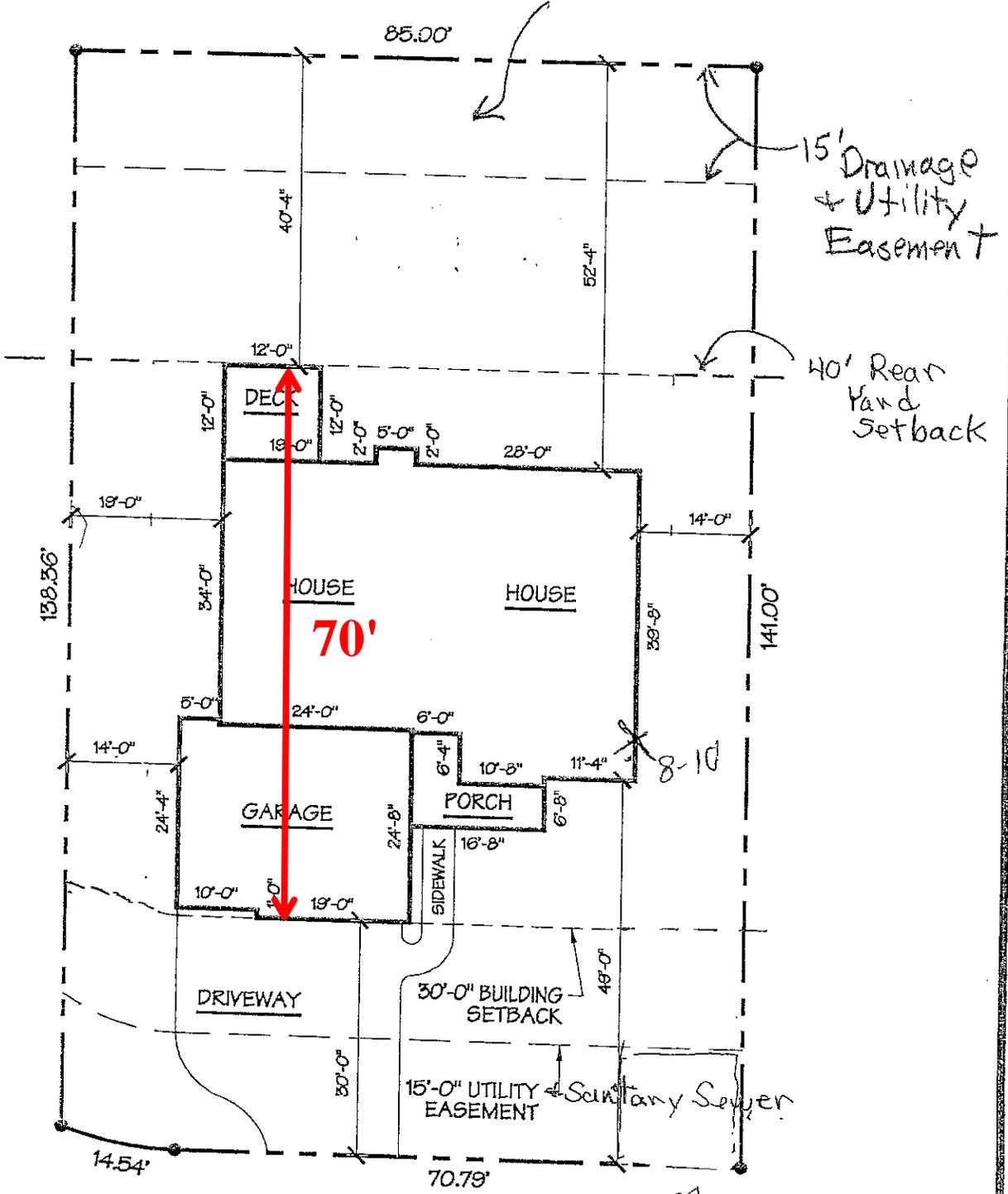
N.00°-10'-40"E. - 224.60'
140.01'

Attachment - D

BUILDER:

TIM ODEY
TIM ODEY HOMES

ALL DRAINAGE EASEMENTS SHALL BE KEPT CLEAR OF TREES, SHRUBS, STRUCTURES, FENCES, AND ANY OBSTRUCTIONS BLOCKING OR IMPEDING WATER.



1 SITE PLAN
AT SCALE: 1" = 20'-0"

Mason Run

LEGAL DESCRIPTION:

LOT #12 IN HALEY HEIGHTS 3RD
ADDITION TO THE CITY OF BETTENDORF



Front Setback 30
Side Setback Min 5 Total 30
Rear Setback 40



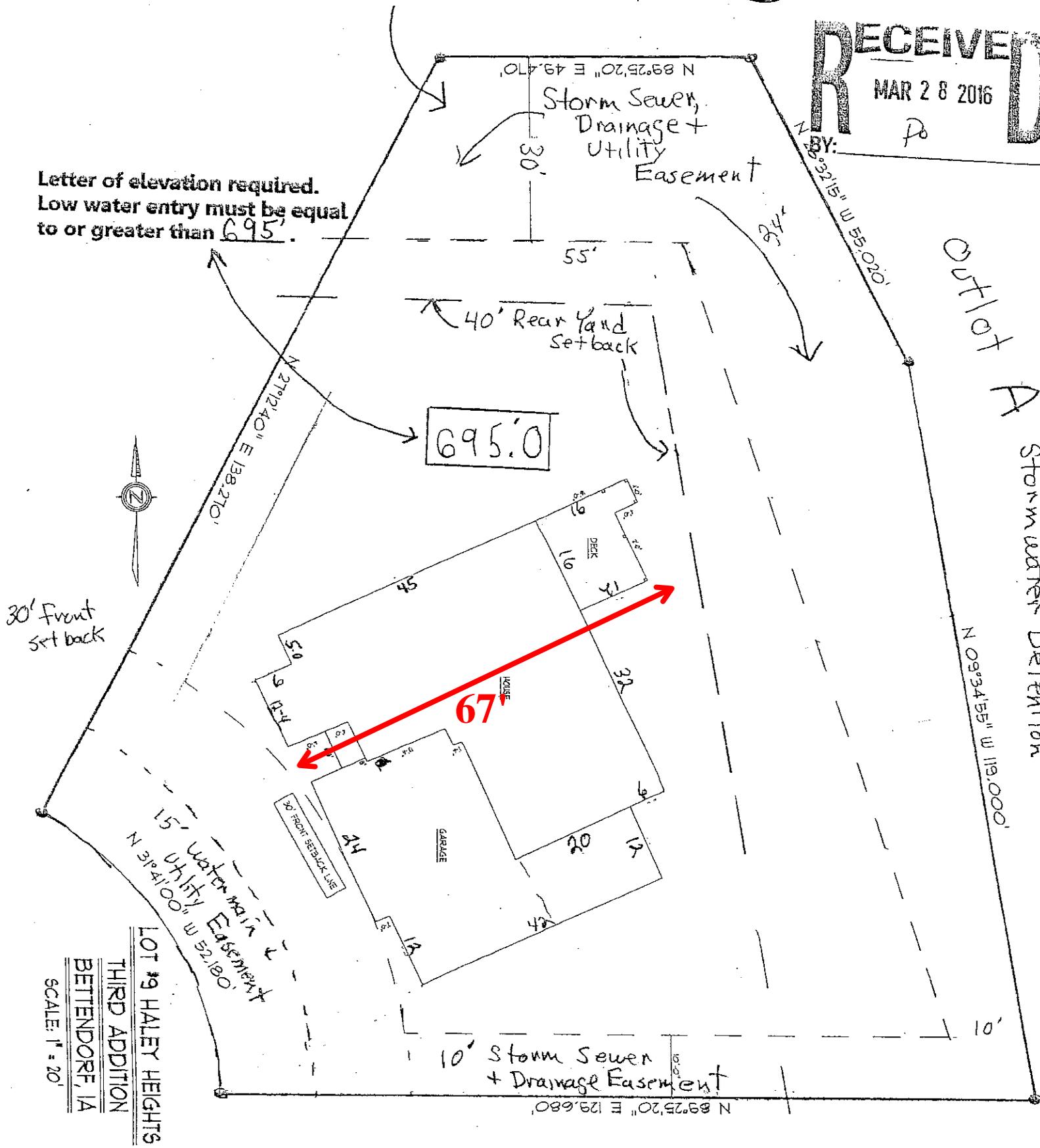
PLOT PLAN

1 of 3

ALL DRAINAGE EASEMENTS SHALL BE KEPT CLEAR OF TREES, SHRUBS, STRUCTURES, FENCES, AND ANY OBSTRUCTIONS BLOCKING OR IMPEDING WATER.

RECEIVED
MAR 28 2016
BY: *Pa*

Letter of elevation required.
Low water entry must be equal to or greater than 695'.



Front Setback 30*
Side Setback Min 5 Total 20

Rear Setback 40

Scale 1" = 20 Indicate North

PERMIT RECORD

Zoning District R-1

Board of Adjustment Variance:	No <input type="checkbox"/> Yes <input type="checkbox"/>
DEC/ORDER #	
Notes:	Flood Zone calculations shows that the entire structure footprint will be outside of flood zone. See attached flood maps. <i>J.S.</i>
PLANNING & ZONING REVIEW	PLANNER INITIALS: <i>[Signature]</i>

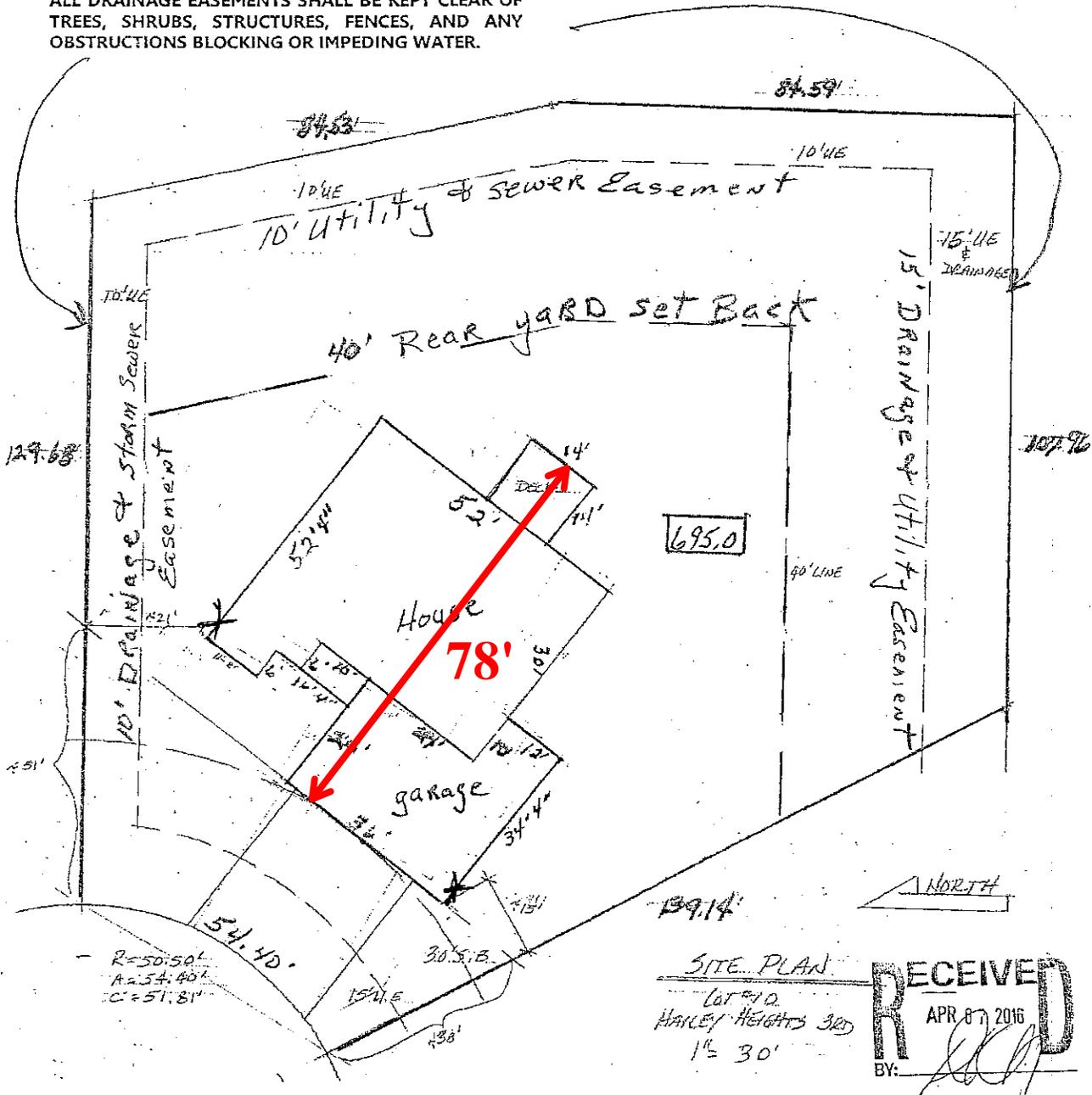
Legal Description:
Lot 9
Subdivision: Haley Heights 3rd

Building Address:
4876 Mason Run

Contractor:
Kent Johnson Builders

DATE REVIEWED:

ALL DRAINAGE EASEMENTS SHALL BE KEPT CLEAR OF TREES, SHRUBS, STRUCTURES, FENCES, AND ANY OBSTRUCTIONS BLOCKING OR IMPEDING WATER.



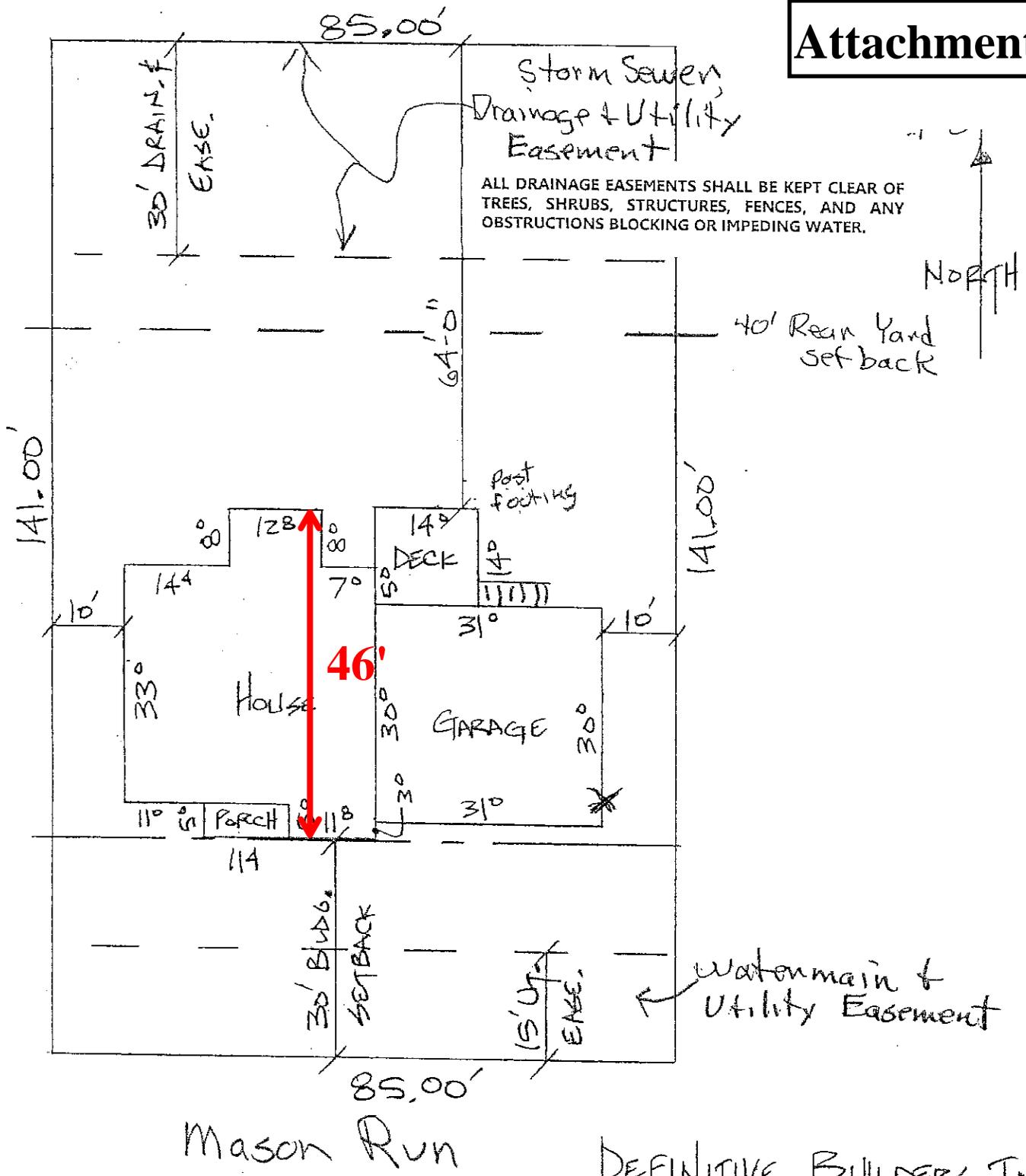
Letter of elevation required.
 Low water entry must be equal
 to or greater than 695.0

Front Setback 30' Rear Setback 40'
 Side Setback Min 5' Total 20'

Scale 1" = 30' Indicate North

PERMIT RECORD		Zoning District <u>R1</u>	Legal Description: Lot <u>10</u> Subdivision: <u>Haley Heights</u> <u>Third Addition</u> Building Address: <u>4822 Mason Run Road</u> Contractor: <u>Dave Prochaska Const.</u> DATE REVIEWED:
<u>04/12/16-042-7542 4/12/16</u>		Board of Adjustment Variance: No <input type="checkbox"/> Yes <input type="checkbox"/>	
Planning & Zoning Review		DEC/ORDER #	
PLANNER INITIALS: <u>[Signature]</u>		Notes:	

Attachment - G



DEFINITIVE BUILDERS, INC.

LOT 6 HALEY HTS. 3RD ADD.

1" = 20'

Front Setback 30 Rear Setback 46
 Side Setback Min 5 Total 20
 Zoning District R1

Scale 1" = 20 N Indicate North

PERMIT RECORD House 16-0516-1928-5761	Board of Adjustment Variance: No <input type="checkbox"/> Yes <input type="checkbox"/> DEC/ORDER # Notes: PLANNER INITIALS: <i>JS</i>	Legal Description: Lot <u>6</u> Subdivision: <u>Haley Heights 3RD</u> Building Address: <u>4796 Mason Run</u> Contractor: <u>Definitive Builders</u> Mike Jasper DATE REVIEWED:
Planning & Zoning Review	PLANNER INITIALS: <i>JS</i>	DATE REVIEWED:



Case No. 16-052

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

Part 1. Property Involved.

Street Address 4823 Mason Run

Legal Description of the property. Lot 11 Haley Heights 3rd

Part 2. Contact Information.

Applicant Name Premier Custom Homes Phone 563 529-3755

Address 5723 California DR Bettendorf, IA FAX _____

E-mail Address: SMW212121@gmail.com

Owner Name Same Phone _____

Address _____ FAX _____

E-mail Address: _____

Agent Swan 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.

Reduce Backyard Setback from 40' to ~~30~~ 27'

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 29th day of 6, 20 16.

Signature of Applicant [Signature] Signature of Owner _____

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

State of Iowa)
) SS
 County of Scott)

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

Witness my Hand and Notarial Seal this 29th day of June, 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 \$50 Date 6/29/16
Credit