

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
AUGUST 11, 2016
5:00 P.M.**

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

1. Roll Call: Clements ___, Falk ___, Gallagher ___, Spranger ___, Voelliger ___
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of July 14, 2016.
4. The Board to hold a public hearing on the following items:
 - a. **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. (Deferred from meeting of July 14, 2016)
 - b. **Case 16-058; 4513 Stone Haven Drive (R-2)** – A request for a variance to allow a 6-foot high fence in a required front yard along Crow Creek Road, submitted by George Hallas.

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
JULY 14, 2016
5:00 P.M.

Voelliger called the meeting to order at 5:00 p.m. He welcome Kris Clements as the newest Board of Adjustment member.

Item 1. Roll Call

PRESENT: Clements, Falk, *Gallagher, Spranger, Voelliger
ABSENT: None
STAFF: Fuhrman, Soenksen, Stone, Connors

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of June 9, 2016.

On motion by Falk, seconded by Spranger, that the minutes of the meeting of June 9, 2016 be approved as submitted.

ALL AYES

Motion carried.

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

- 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 for construction of a 14-foot by 25-foot deck, submitted by Wesley Hand.

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

Greg Schmidt, contractor representing the applicant, explained that more than half of the lot is unbuildable which limits the homeowner's options for adding a deck.

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 Clements, seconded by Spranger, that a variance to reduce the required rear yard setback from 40 feet to 18 feet to allow for construction of a 14-foot by 25-foot deck be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- c. **Case 16-048; 5422 Cavan Crossing (R-3)** – A request for a 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, submitted by Towne & Country Bettendorf.

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.

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

Dan Dolan, the applicant, explained that the homeowners have moved back to Bettendorf to retire. He indicated that an open deck was originally built which would allow a grill to be placed there. He stated that when the wind comes up the hill, it picks up and carries the patio furniture and bangs it against the house and windows. Dolan explained that in order to solve that problem, the homeowners asked him to cover the deck and build a wind wall which precludes them from using a grill on the deck. He stated that he does not believe that the proposed deck would create any issues given the significant elevation change from the rear of the home to the adjacent commercial area. He indicated that allowing the proposed deck makes the house much more livable for his clients.

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

*Gallagher arrived.

Falk commented that the home in question is located on a cul-de-sac and asked if it is likely that similar requests will be made for other homes in the area. Soenksen stated that the lot in question has one of the shallowest buildable areas in the subdivision and indicated that the other lots on cul-de-sacs have a different configuration. Falk stated that the illustration

demonstrates that the lot in question is one of the shallowest, adding that he does not anticipate that similar requests will be likely.

Clements asked if an egress from the deck is required. Connors explained that only one means of egress is required in a single-family residence district.

On motion by Falk, seconded by Spranger, that a 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 be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

d. **Case 16-049; 5572 Integrity Way (R-1)** – A request for a variance to increase the allowable garage area from 734 square feet to 1,264 square feet, submitted by Bob Buker.

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.

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

Connors stated that at the request of the Board, staff has been working on a revision to the zoning ordinance which will hopefully reduce the number of variance requests related to allowable garage area. He explained that the proposed ordinance would allow every homeowner to have 1000 square feet of garage area or up to 75% of the livable area of the house.

Voelliger asked how the proposed ordinance amendment would apply to this case. Connors explained that the current request is for a 67% ratio of living area to garage space, adding that no variance would be required if the ordinance is passed.

Falk commented that the home would look no different from the street than it would have if the garage were the smaller size (1,040 square feet) as was approved by variance at the previous meeting. He stated that the Board has tried to remain consistent with this type of case if the oversized garage does not appear overwhelming from the street. Soenksen added that the Board has emphasized the value of the appearance of an oversized garage from the street over

the use of a strict living area ratio or maximum allowed size when considering this type of case in the past.

Clements asked if there were any restrictive covenants in place that would govern the storage of recreational vehicles, trailers, and boats. Soenksen explained that developers don't necessarily submit restrictive covenants to the city, adding that staff is not involved with their enforcement. He indicated that the developer is the applicant in this case.

On motion by Spranger, seconded by Clements, that a variance to increase the allowable garage area from 734 square feet to 1,264 square feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

- e. **Case 16-050; 931 State Street (C-2)** – A request for a variance to reduce the required setback for an on-premises identification sign from 20 feet to 0 feet, submitted by Dev Bastola.

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.

A representative of the marketing company for Shell Oil explained that the reason for the proposed sign location is so that it would be more visible for motorists traveling along State Street. He added that he believes that the curvature of the street and the presence of the large billboard on the adjacent property affects visibility. He indicated that if the sign is placed further forward on the site, motorists will have time to identify the site and change lanes if necessary.

Valerie Search, 843 State Street, asked if the proposed sign would be placed at ground level. Soenksen confirmed this, adding that the downtown design standards require that all signage be of a monument style. Search requested that the street parking in that block be prohibited as it restricts visibility of motorists exiting her and other businesses. Voelliger explained that parking restrictions are in the purview of the city council.

Michael Johnson, 905 State Street, concurred with Search with regard to the street parking, adding that when cars are parked in front of the businesses it can be very difficult to safely exit

because the vision of motorists is obstructed. He stated that he does not believe that enough information is available to make an informed decision with regard to the proposed sign. Johnson asked if there are any time limits with regard to how long the billboard is allowed to be at its current location. Connors explained that it would depend upon the length of the lease the property owner has negotiated with the billboard owner. Johnson stated that the term of the lease is 10 years which automatically renews for another 10 years. Connors commented that its unlikely that the owner will want to terminate that lease as the new downtown design standards make it very difficult for a sign company to locate a billboard there.

Johnson asked how tall the proposed sign would be and if it reaches to ground level. Soenksen explained that the sign would be 20 feet tall, reiterating that it is required that it be of a monument style. Johnson asked how far the sign is proposed to be placed from the street. Soenksen stated that the location of the sign is the issue that the Board will determine. Connors stated that the sign would be a minimum of 5 feet from the curb. Johnson stated that he is not opposed to the location of a gas station on the site, but reiterated that he does not believe that it is safe to have street parking in the area. He added that he is sympathetic to the fact that the owner of the gas station needs a sign that is visible from some distance away to allow time for motorists to decelerate and change lanes if necessary. He indicated that he is not opposed to the sign as long as it is placed in a safe manner that will not negatively impact the safety of motorists.

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

Voelliger stated that the State took 5 feet from the property and questioned how far the property line is from the street. Soenksen explained that the property line is approximately 5 ½ feet from the inside of the sidewalk. Voelliger commented that if the sign is placed too close to the street, motorists may have difficulty seeing traffic coming from the west. Soenksen stated that after visiting the site, he had determined that there should not be a line of sight issue given the curvature of the road.

Spranger asked if the I-74 bridge project construction will cause any changes to the existing traffic pattern. Soenksen stated that State Street will remain one-way eastbound, adding that street parking elimination is not part of the corridor project. He added that at the request of the neighbors, staff will submit a request to prohibit parking on State Street in that block. Spranger asked if there is street parking on the north side. Soenksen confirmed this.

Voelliger asked if placing the sign 5 feet from the property line would impair visibility of the sign. Soenksen stated that in his opinion the sign would be visible if set back at that distance and would still provide a separation from the billboard.

Falk asked how far the south side of the sidewalk is from the existing billboard sign. Soenksen stated that it is approximately 20 feet from the sidewalk, adding that if the sign were placed 10

feet from the new property line, it would barely be separated from the billboard. He added that if the sign were placed 10 feet from the sidewalk, it would allow visibility and separation from the billboard. Clements commented that if the sign were placed 5 feet from the new property line it would also provide a separation from pedestrian traffic on the sidewalk. Soenksen stated that he is unsure whether the corridor project anticipates a widening of the sidewalk along State Street.

Falk commented that he believes it is impractical for the sign to be allowed to placed at the 0-foot setback line. Voelliger concurred. Soenksen explained that the Board has the authority to approve a setback variance for the sign to be placed at whatever distance from the setback they deem appropriate given that the original application is for a 0-foot setback.

Clements expressed concern that not enough information is available regarding the final development of the corridor and whether the sidewalk will be widened. Search explained that the sidewalk will not be widened on the west end of the applicant's property. She stated that the roadway project terminates at approximately the midway point of the property in question. She added that the sidewalk in front of her property will be removed but will be replaced in the same location and at the same width.

Stone suggested that the Board could defer the request until such time as the applicant submits a revised drawing that details the sign location and the right-of-way.

On motion by Spranger, seconded by Falk, that the request for a variance to reduce the required setback for an on-premises identification sign from 20 feet to 0 feet be deferred until such time as a more detailed drawing showing setback measurements, sidewalks, and exact sign location is available.

ALL AYES

Motion carried.

- 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.

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 #10 to these minutes. He stated that a letter in support of the request had been received from Terry and Kathryn Edens of 726 Eighth Street.

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

Adam Smith, the applicant, explained that he would like to have a larger deck so that it can be utilized for grilling and still leave room for patio furniture. He indicated that if the deck were built within the setback, the deck would not be usable for this purpose. He added that there is a fence that is approximately 10 feet from the proposed location of the deck.

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

Falk asked if the Board could stipulate that only an uncovered deck would be allowed to be constructed if the variance is approved given that the applicant plans to construct a room addition in the future. He indicated that he would find a room addition that encroaches into the area of the yard involved more objectionable. Soenksen explained that the room addition that the applicant anticipates building is not to be placed in the same location as the proposed deck. Connors stated that the stipulation could be made.

Smith explained that the proposed room addition would extend from the existing addition on the northwest side of the house to the south and would more or less square off the house. He indicated that he plans to enlarge the kitchen and dining room which would be one story. Falk asked if the proposed room addition would occupy any of the same yard area as the proposed deck. Smith stated that it would not. Falk asked if the applicant would have any objection to the stipulation proposed that would restrict the variance to construction of an uncovered deck only. Smith indicated that he would have no objection.

Spranger asked if the pool could be moved. Smith explained that there are code requirements that require that aboveground pools be located a certain distance from structures, adding that if the room addition is built that requirement would no longer be met.

Clements asked if there is the possibility that a taller fence would be requested given the additional social component of the deck in combination with a pool. Soenksen explained that the city code mandates that fences in the front yard are allowed to be only 4 feet tall. He added that a 6-foot high fence would have to be placed in the buildable area or behind the front of the house.

On motion by Falk, seconded by Clements, that the request for a variance to reduce the established front yard setback (along Jones Street) from 7 feet to 3 feet 9 inches be amended to stipulate that the setback variance be limited to construction of an uncovered deck.

ROLL CALL ON MOTION

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

Motion carried.

On motion by Falk, seconded by Clements, that the request for a variance to reduce the established front yard setback (along Jones Street) from 7 feet to 3 feet 9 inches be approved in accordance with the Decision and Order and the stipulation that the setback variance be limited to construction of an uncovered deck.

ROLL CALL ON MOTION

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

Motion carried.

Decision and Order is Annex #11 to these minutes.

- 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.

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 #12 to these minutes.

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

Scott Webster, the applicant, explained that house plan the homeowner has chosen is one of the narrowest models his company builds. He stated that while the home could be constructed without a deck and that city code requires only one egress, the second egress would be helpful for safety reasons. He added that adding a deck would match the aesthetics of the houses in the remainder of the neighborhood. Webster explained that the curve of the cul-de-sac necessarily reduces the front yard setback while the rear yard setback remains the same.

Gallagher commented that any hardship related to the required setbacks is a self-imposed one. He indicated that while he is not necessarily opposed to giving the applicant relief for this

particular lot, a better effort needs to be made to resolve the problem of allowing subdivisions which contain virtually unbuildable lots. Connors explained that if a new subdivision meets the requirements of the subdivision ordinance it must be approved. He indicated that the lot in question meets the minimum square footage requirement and that a home could be designed to fit on the lot. He added that a house similar to the others in the neighborhood would not be allowed to be built without a variance. Connors stated that there have been discussions about limiting the number of cul-de-sacs in new subdivisions to attempt to prevent this type of issue. Gallagher commented that the applicant has not established a hardship.

Falk commented that the house that was built at 4796 Mason Run would fit on the lot in question, adding that unfortunately the homeowner has chosen a house plan that requires a variance. He indicated that it appears as though a part of the house actually encroaches into the required setback.

Clements asked if there would be any encroachment on the utility easement at the rear of the lot. Soenksen explained that it would not, adding that the utility easement does not affect placement of the house.

Webster stated that the house plan could be reconfigured by removing the window seat bumpout and removing the deck, but reiterated that the home would then only have one egress. He added that the lot in question is zoned R-1 and has a 40-foot rear yard setback requirement while some of the neighboring lots to the south are zoned R-3 with a 25-foot required rear yard. Soenksen confirmed this.

Spranger asked if the lot in question is adjacent to an R-3 district. Webster confirmed this, adding that other lots in the same subdivision are also zoned R-3.

On motion by Spranger, seconded by Clements, that 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 be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #13 to these minutes.

- 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)

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 the request.

John O'Brien, the applicant, explained that he and the homeowner had been under the impression that the construction was code-compliant because a building permit was issued. He indicated that if he had been made aware of the issue with the height of the detached garage, he could have resolved it early in the construction process by lowering the pitch of the roof or reducing the size of the bonus room. He stated that he has reviewed the minutes of the last meeting during which a neighbor stated that the originally-designed 12-foot high walls were reduced at the request of the city after he had been made aware of the code issue. O'Brien explained that her statement was inaccurate, adding that the reason the height of the garage wall was reduced is because of the cost involved. He explained that because there is a significant cost difference between 9-foot and 10-foot doors and 10-foot high and 12-foot high walls, the homeowners chose the 9-foot door and 10-foot high wall as the lower height would still accommodate their needs at a lower price. He commented that the detached garage ties in well with the house aesthetically.

O'Brien stated that Connors had explained that the structure could be made code-compliant by attaching the house and detached garage by building a breezeway. He explained that unfortunately this would incur a substantial cost to the homeowner for what he perceives as a small difference in height given the distance from the garage to the opposing neighbor's home. O'Brien stated that he does not believe it is fair for the homeowner to be responsible for the cost of between \$8,000-\$10,000 to construct a breezeway.

Spranger asked if there are plans to attach the house to the detached garage as per Connor's suggestion. O'Brien explained that while that is an option if it becomes necessary, the homeowners would prefer not to build the breezeway as it will detract from the aesthetics of their home. Connors stated that if the variance is not approved, the breezeway is the only option. Gallagher commented that regardless of whether the breezeway is constructed, the height of the detached garage will remain the same and the view of the opposing neighbor would not change. Voelliger stated that it appears as though the height of both structures is similar. O'Brien stated that this is the case, adding that the house may be slightly taller.

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

On motion by Gallagher, seconded by Spranger, that a variance to increase the allowable height of an accessory structure from 15 feet to 17 ½ feet 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

UPDATE – August 11, 2016

At the July 2016 Board meeting staff was asked to contact the Iowa Department of Transportation (IDOT) and clarify if property was indeed acquired for right-of-way purposes, where the new entrances will be located, what will happen with the sidewalk, and how these items are related to the variance request.

The IDOT has acquired a 42 ½-foot strip of land along State Street on the east side of the property that is approximately 5 feet wide (see Attachment F – Property Acquisition Illustration). The frontage of the entire parcel is 125 feet wide. The right-of-way acquisition will not have any effect on this request and does not pose a hardship in relation to the sign location on the west side of the property. Attachment F also illustrates where the previous pole sign was located (11 feet back from the front property line) and where the front of the billboard is located (22 feet back from the front property line). Since no additional right-of-way was acquired on the west side of this property, the sidewalk location and width will remain the same in the area of the proposed sign. Both entrances/exits off of State Street will remain similar to the current conditions.

The reason for a variance request is due to two factors: the billboard obstruction and a tree obstruction on the property adjacent to and west of the applicant's location (see Attachment G – Tree Illustration).

The applicant is now seeking permission to place the sign 5 feet back from the front property line (see Attachment H – Requested Sign Location). A full-sized truck was parked at the future west entrance behind the sidewalk as shown on Attachment H. Staff then took a photo from inside the truck parked at that location looking west towards oncoming traffic (see Attachment I – View Exiting Driveway). Staff is still concerned about the visual obstruction caused by the proposed sign causing problems related to the line-of-sight for vehicles exiting the west entrance/exit if it is placed 5 feet from the property line.

There is a 22-foot separation between the front property line and the front of the billboard. Staff understands that the applicant would like to have some degree of separation between the billboard and the new sign to allow clear distinction between the two structures. If 5 feet separated the billboard and the new sign, the front of the

new sign would be 12 feet back from the front property line or at a 12-foot setback. That would leave 2 ½ times the distance between the sidewalk and the front of the sign than as shown on Attachment I. Staff believes that this would provide a much higher degree of safety for line-of-sight as illustrated in Attachment I. At the 12-foot setback, staff realizes that the tree shown on Attachment G will obstruct the new sign to some degree for a portion of the time that vehicles are approaching on State Street from the west.

At the July meeting citizens requested that parking be restricted on State Street in front of this business. That is not a decision being considered with this request. Staff will address those parking restriction requests at the appropriate level internally and independent of this action.

Staff Recommendation

Ensuring safety by providing proper line-of-sight for vehicles exiting onto State Street supersedes the concern of the tree obstruction to the west of this site and staff recommends approval of a variance to allow a 12-foot setback for the requested new sign if the Board feels that a hardship has been established.

Respectfully submitted,

John Soenksen
City Planner

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 exiting 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,

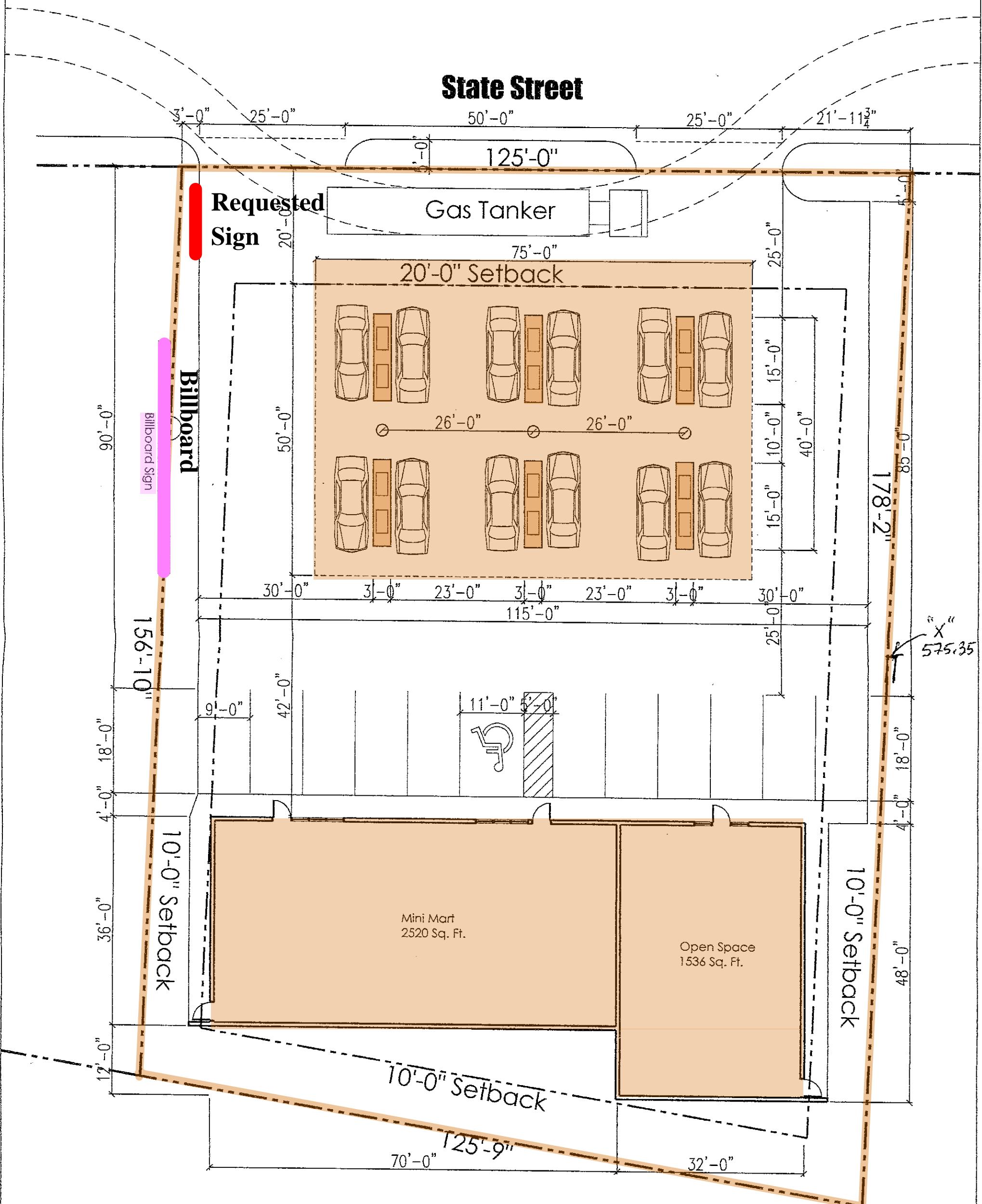
John Soenksen
City Planner

Attachment - A



Attachment - B

$$REQ_{FLR} = 569.2$$



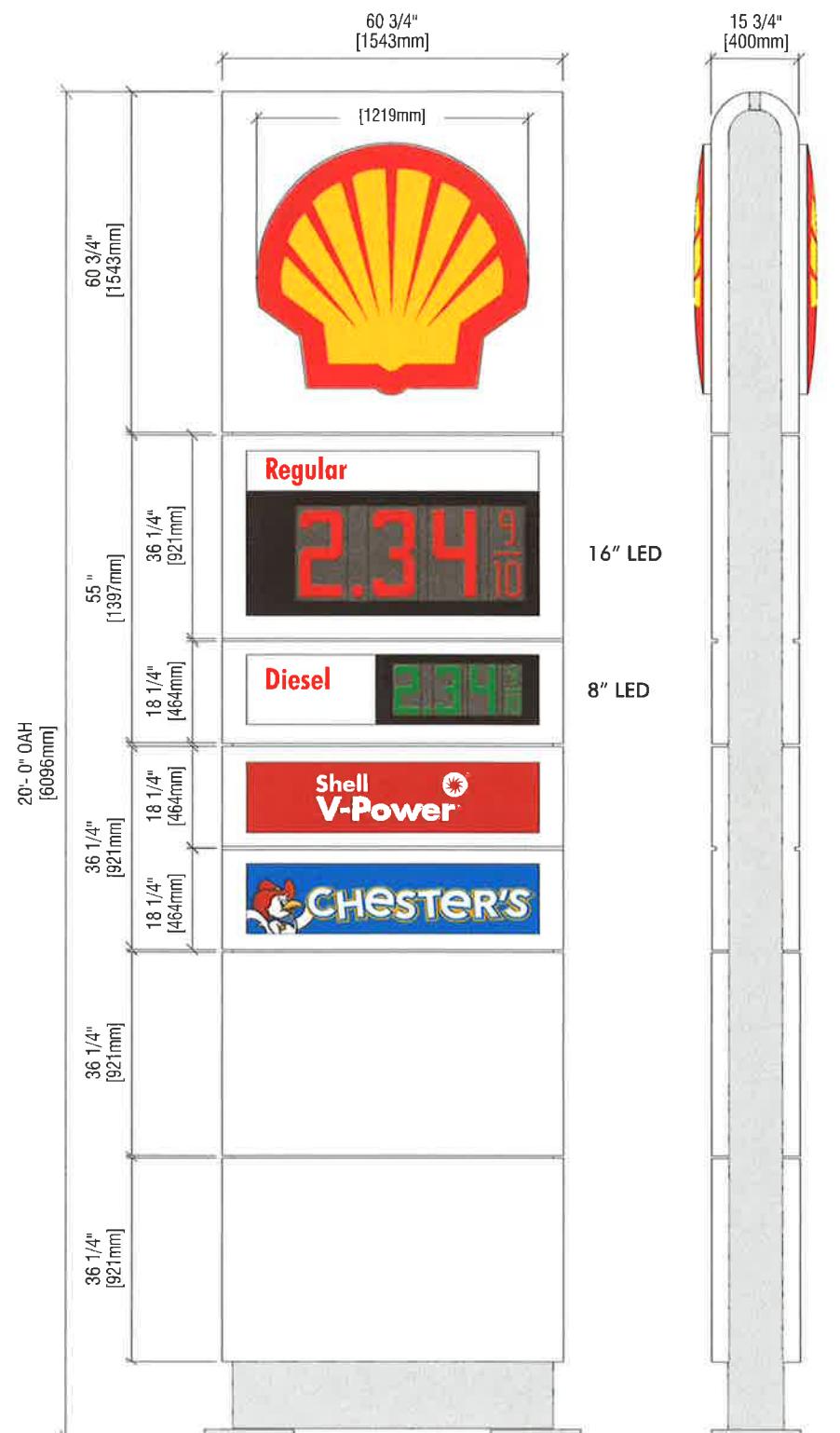
SITE PLAN

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

		I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED AND ARE IN 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
NUMBER SHEET	A-1	PRINCIPAL NUMBER	9/17/14	DATE	REVISIONS	-	-
2014-45							

Attachment - C





1500 North Bolton • Jacksonville, Texas 75766
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1

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Account Rep: **Dan Hull**

Project Manager: **V. Hernandez**

Drawn By: **Mike Lees**

Project / Location:

Shell
RVI Evolution
GLOBAL

Underwriters Laboratories Inc. ELECTRICAL EQUIPMENT, CIRCUITS AND MATERIALS MEET ALL N.E.C. STANDARDS

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
BELLOW YOU ARE AUTHORIZING US TO
MANUFACTURE TO THESE SPECIFICATIONS.**

Client Approval/Date:

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Colors Depicted In This Rendering May Not Match Actual Material Finishes. Refer To Product Samples For Exact Color Match.

Job Number: **163767**

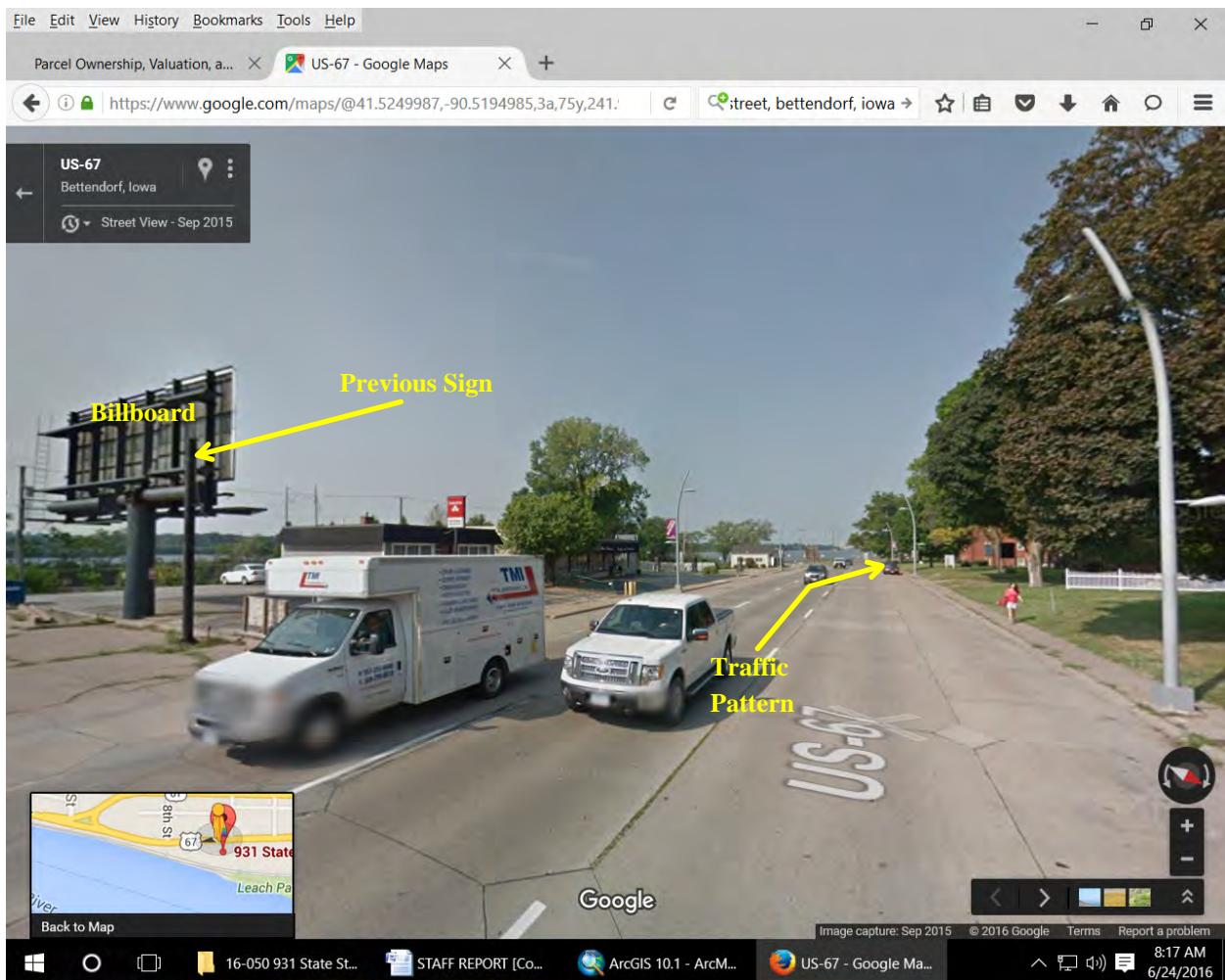
Date: **6.7.16**

Sheet Number: **1** Of **1**

File Name: **SG163767_e**

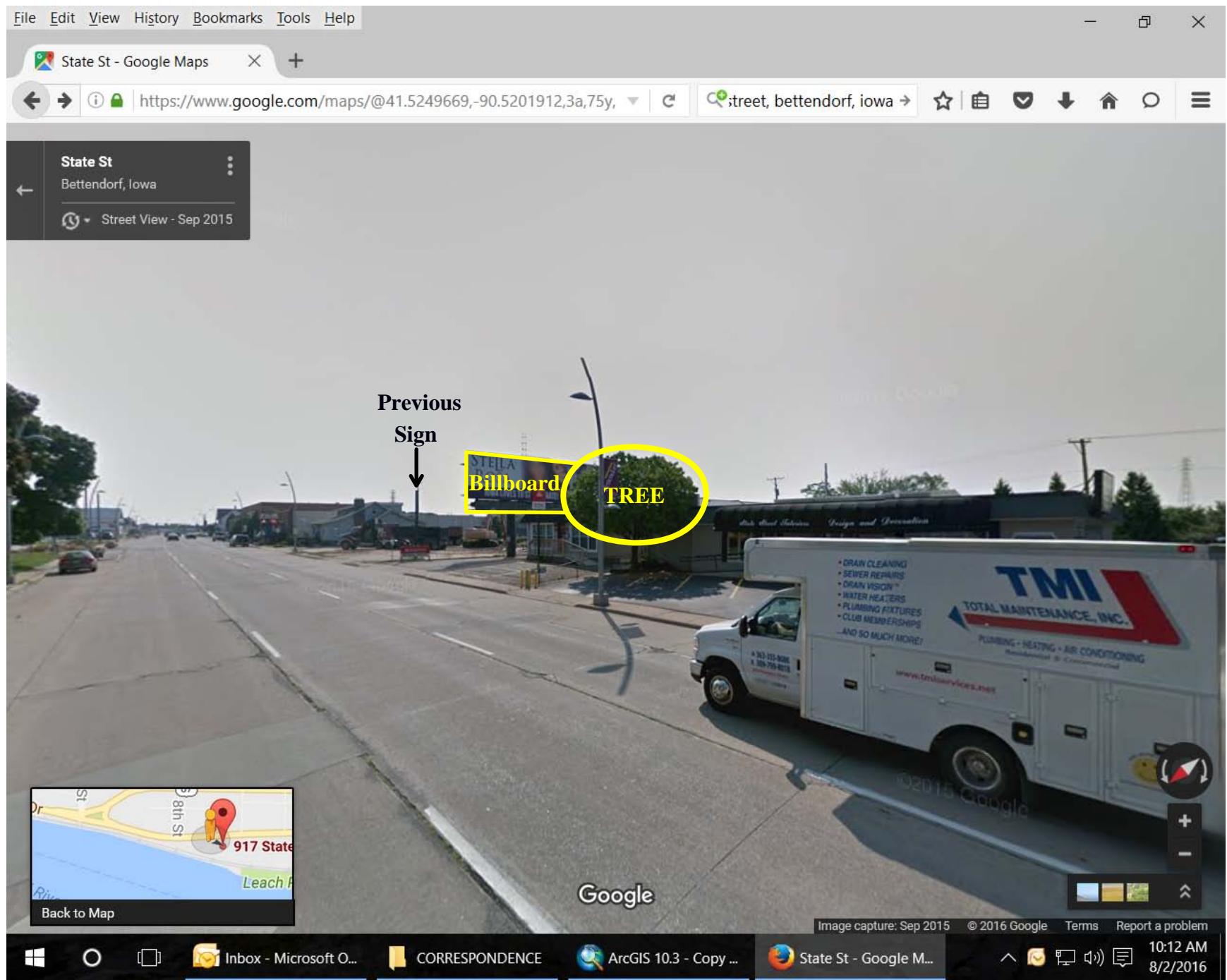
Design Number:

Attachment - E



Attachment - F





Attachment - G

Attachment - H



**Requested
Sign
Location**





Case No. 16-DSO

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 Cash, LLC UC Phone 563 381-4777
Address 3667 Hwy 61 Box 48 Blue Grass IA 52726 FAX 563-381-1480
E-mail Address: a1sign@a1sign.biz

Owner Name Dev Bastola Phone 563 650-3507
Address _____ FAX _____
E-mail Address: devbastola@yahoo.com or sarahinimart@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 c. 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 _____.
[Handwritten signatures]

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

State of Iowa)
SS

County of Scott)

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

Witness my Hand and Notarial Seal this 06 day of June 2016

[Handwritten 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 *[Handwritten signature]*
Amount \$100.00 Date 6-6-2014



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

August 11, 2016

Staff Report

Case No. 16-058

Location: 4513 Stone Haven Drive

Applicant: George Hallas

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

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

Background Information and Facts

The site is located on the southeast corner of Crow Creek Road and Stone Haven Drive (see Attachment A – Location Map). The applicant currently has a 6-foot high fence surrounding the north and east sides of the house at the prescribed setback (25 feet) off of the property line adjacent to Crow Creek Road (see Attachment B – Current Fence Location). The applicant would like to move the north side of the existing fence to within 3 feet of the sidewalk adjacent to Crow Creek Road (see Attachment C – New Fence Illustration).

Staff Analysis

This residential site has an extensively landscaped yard. The applicant would like to move the fence in an effort to capture more usable space within the fenced confines and to include more of the extensive landscaping within the useable yard area. If the variance is approved and the fence is moved, significant landscaping will still exist outside of the fenced area along Stone Haven Drive.

The site involves a corner “through lot” extending lengthwise from Wendy Court to Crow Creek Road. The Code states:

When said fence on a through lot is located within fifteen feet (15') or less of the right of way line, a minimum of one evergreen type plant or comparable landscape planting shall be placed between said fence and right of way line for every twenty-five (25) linear feet or fraction thereof of fence.

If the variance is approved, the code would indicate that landscaping should be required between the fence and the sidewalk.

The Board has been consistent concerning 6-foot fence requests in front yard setbacks in residential areas. Those approvals have been consistently reserved for property along and adjacent to major roadways having significant traffic counts. Approvals have been granted along the following roadways with their respective traffic counts:

- 18th Street (7,500-12,600 vehicles per day)
- Devils Glen Road (8,600-15,500 vehicles per day)
- Tanglefoot Lane (7,700 vehicles per day)
- Middle Road (7,800-21,000 vehicle per day)
- 53rd Avenue (11,200-12,900 vehicles per day)

The portion of Crow Creek Road involved in this request averages 2,560-3,310 vehicles per day.

Staff Recommendation

If the Board feels that the lot involved is adjacent to a major roadway (Crow Creek Road) having a significant traffic count, then the request would be consistent with previous approvals.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



Attachment - B



Attachment - C



Case No. 16 DS 8

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

Part 1. Property Involved,

Street Address 4513 Stone Haven DriveLegal Description of the property. Lot #8 in Terrace Park 7th Addition

Part 2. Contact Information.

Applicant Name George Hallas Phone 309 738-4412
Address 4513 Stone Haven Drive FAX _____E-mail Address: hallasgeorge@gmail.comOwner Name George Hallas Phone 309-738-4412
Address 4513 Stone Haven Drive FAX _____E-mail Address: hallasgeorge@gmail.comAgent _____ 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.

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- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.

Move the fence on the North side (Craw Creek) of the property to within 3 feet of the sidewalk that borders Craw Creek. The fence that would be relocated (if approved) is a 6 foot high fence. The relocated fence would enable us to utilize more of the existing yard for entertaining within the existing fenced yard. Other homes on other streets have fences as close as 1 foot from the sidewalk.

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 18 day of July, 20 16.

Signature of Applicant Dwight Hahn Signature of Owner Dwight Hahn
(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 18th day of July, 20 16.

Sara M. Smith
Notary Public in and for Scott County, Iowa

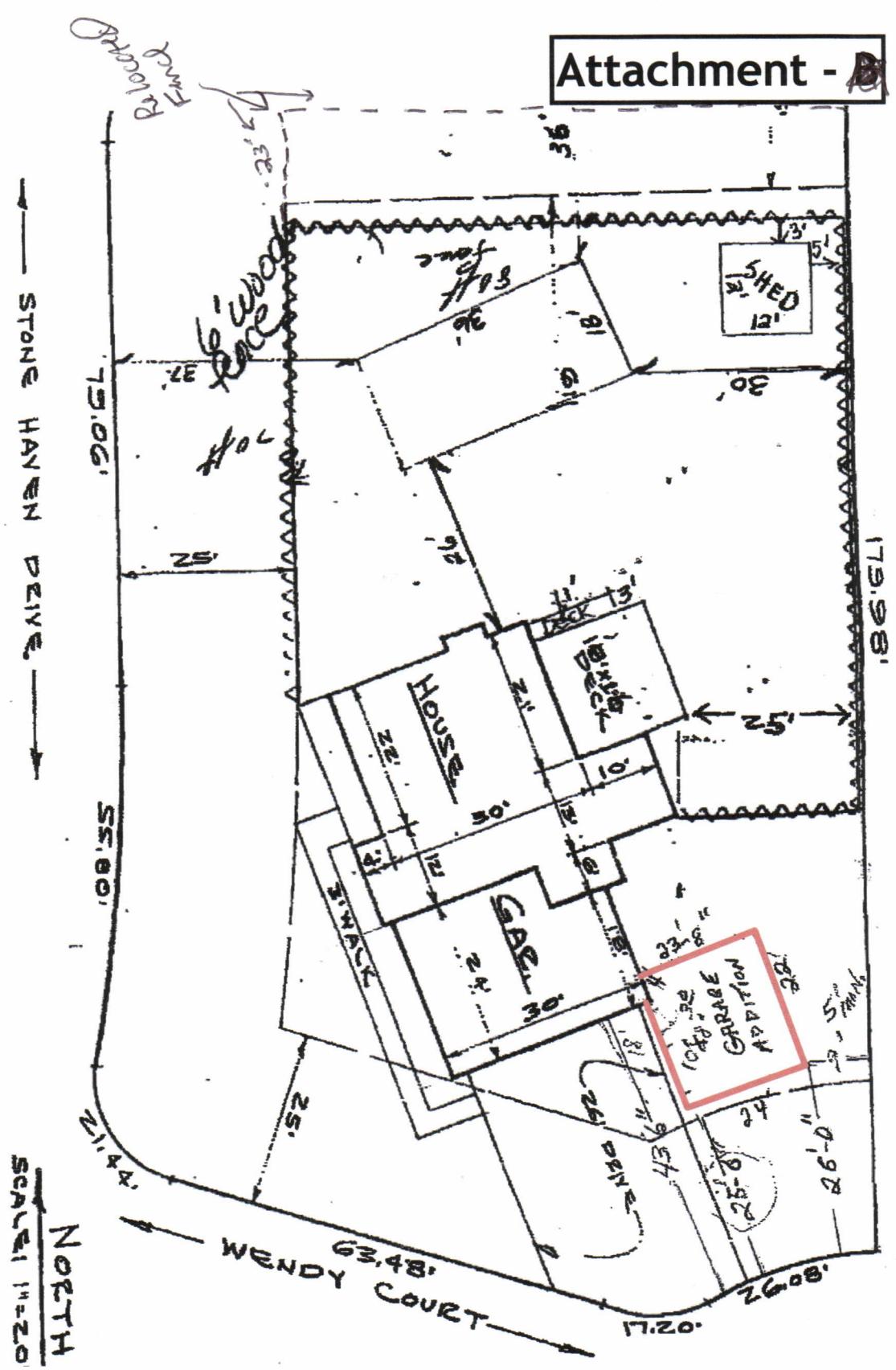
Part 10. Filing Fee.

\$ 50.00 Single Family/Two-family Residential Variance
\$100.00 All Other Applications

Received by J. Hahn
Amount .50.00 Date 7-20-2016

Check # 2591

Attachment - A



Attachment - G

Proposed
Relocation
of Fuel

Crow Creek

State Hwy D

29'

26'

52'

37'

38'

52'





attechmunt C

Stone Meadow Court
Side yard

Exhibit D



Crow Creek Road
Eastbury Estates
Side yard

Exhibit E

image 9



Exhibit F

Devils Glen
west of
the
Post
Office

Rear
Yard



in quart bag

Exhibit G

From Boren Court To
Hunter Drive on
18th Street
Rear & side yard

