

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
NOVEMBER 10, 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 October 13, 2016.
4. The Board to hold a public hearing on the following items:
 - a. **Case 16-092; 3557 Deertrail Road (R-2)** – A request for a variance to reduce the required front yard setback from 25 feet to 13 feet to allow for construction of a garage addition, submitted by Donald and Cindy Tice. (Deferred from meeting of October 13, 2016)
 - b. **Case 16-102; 5499 White Post Road (A-2)** – A request for a variance to allow a 5-foot high fence in a required front yard, submitted by David Knaack.

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
OCTOBER 13, 2016
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of September 8, 2016.

On motion by Falk, seconded by Clements, that the minutes of the meeting of September 8, 2016 be approved as submitted.

ALL AYES

Motion carried.

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

- e. **Case 16-094; SE corner of Middle Road and Crow Creek Road (C-1)** – A request for a special use permit to allow two drive-up windows, submitted by AMF Real Estate, LLC.

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 or in opposition to the request.

Scott Awkerman, 4550 Middle Road, expressed concern about headlights from vehicles in the drive-up lane shining into his home at night and asked if there would be a berm installed to shield them. Soenksen explained that the landscape plan indicates that there will be trees

planted for nearly the entire length of the property lines along Middle Road to shield the drive-up lane and also to separate the residential areas along Wyndham Drive and West Kingston Circle. Awkerman asked how tall the trees would be. Soenksen stated that the landscape plan would be submitted as part of the site development plan review which would be presented to the Planning and Zoning Commission.

Awkerman asked what the hours of operation of the business would be. Voelliger stated that because the applicant has not yet confirmed what business would be located there, the hours of operation are as yet unknown.

Awkerman stated that he would be opposed to the project until more details are available.

Linda Larson, 4422 West Kingston Circle, stated that there is no landscaping separating her property from the proposed dumpster location. Voelliger commented that staff has made note of her concerns and would present them to the Planning and Zoning Commission. Soenksen explained that the issue of the location of the dumpster was brought up at the staff development review committee meeting and would be resolved at the site development plan stage.

Adam Seitz, the applicant, explained that he has received comments from the city about adding arborvitae or trees along with a berm to screen the dumpster location. He stated that the site development plan was designed with the goal of locating the drive-up windows in the most unobtrusive locations possible. He indicated that his objective is to provide an amenity for the neighborhood with the development, not a detriment. Voelliger commented that AMF Real Estate has done a good job in screening the two adjacent residential developments from the proposed commercial area using berms and landscaping.

Falk commented that most of the concerns that have been expressed are outside the purview of the Board. He added that drive-up windows are a necessity for the success of many businesses.

Clements concurred, adding that it appears to her that the proposed development conforms to the requirements of the zoning district. She encouraged residents who have concerns to attend the Planning and Zoning Commission meeting with regard to this case.

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 Falk, seconded by Clements, that a special use permit be granted to allow two drive-up windows be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- a. **Case 16-090 3421 Field Sike Drive (A-2)** – A request for a variance to increase the allowable garage area from 1,091 square feet to 2,020 square feet, submitted by Joseph Martinolich.

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.

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

Voelliger asked how the applicant could construct such a large structure given the uneven grade of the property. Connors explained that the concrete pad on which the garage would be placed could be poured to account for the topography. He added that fill would need to be placed on the site as well.

Voelliger asked if the proposed structure would have any effect on the property to the south. Connors stated that he sees no reason why it would.

Clements asked for clarification of the zoning classification of the property to the south. Connors stated that the property directly adjacent and to the south is zoned R-3 and will remain so. He added that the portion of the property further south is in the process of being rezoned to R-5.

On motion by Clements, seconded by Falk, that a variance to increase the allowable garage area from 1,091 square feet to 2,020 square feet be granted in accordance with the Decision and Order and the condition that an agreement not to sever Lots 6 and 7 of Creek View Addition be recorded prior to issuance of a building permit.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- b. **Case 16-091; 2239 Kimberly Road (C-2)** – A request for a special use permit to allow an outdoor service area, submitted by Kathy Rashid.

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.

Kathy Rashid, the applicant, stated that it seems to be a trend in the Quad Cities to have outdoor seating at restaurants. Brian Rashid, the applicant's husband, indicated that they wish to attract bicyclists and walkers who use the recreational trail adjacent to the proposed restaurant.

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 for clarification of the proposed hours of operation. Kathy Rashid explained that it is likely that the restaurant will be open until 10 p.m. on weekdays and 12 a.m. on weekends.

Falk asked if alcohol would be served outside during all hours of operation. Brian Rashid confirmed this. Falk explained that most concerns that have been expressed regarding outdoor service areas in the past are related to noise, hours of operation, and the possibility of live music. Rashid stated that there would be no live music at the restaurant. Clements asked if the plan is to have pre-recorded music playing in the background. Rashid confirmed this.

Voelliger commented that it appears as though the existing deck was constructed using steel beams and concrete piers and is adequate to support the weight. He asked if the deck extension would also use this method of construction. Brian Rashid confirmed this, adding that three I-beams have already been ordered. He indicated that his engineer will certify that the deck will be compliant. Connors stated that he has reviewed the proposed deck plans, adding that they are compliant with the Code.

On motion by Falk, seconded by Clements, that a special use permit to allow an outdoor service area be approved in accordance with the Decision and Order and the review of the use after one year or sooner should complaints be submitted about the operation at which time it will be determined whether it is appropriate for the outdoor use to continue.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

- d. **Case 16-093; 2927 Cambridge Drive (R-2)** – A request for a variance to allow a 5-foot high fence in a required front yard, submitted by James Riches.

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.

James Riches, the applicant, explained that he purchased his home in May and he would like to have a 5-foot fence in order to provide safety, security, and privacy for his home. He stated that the main entrance to approximately 396 apartment units is located directly across the street, adding that he believes that the proposed fence would allow him to make the best use of his property.

Voelliger asked what type of fence is proposed. Riches explained that it would be a wooden fence.

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

Clements asked if the proposed fence would interfere with the required vision triangle. Soenksen stated that it would not.

Clements commented that this type of request is not typically one the Board would approve unless a unique set of circumstances exist. Soenksen concurred, adding that recently a fence located at Central Avenue and 18th Street was approved. Voelliger commented that that case was for a 6-foot high fence.

On motion by Falk, seconded by Clements, that a variance to allow a 5-foot high fence in a required front yard be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #10 to these minutes.

- f. **Case 16-095; 3470 Middle Road (CA-2)** – A request for a variance to increase the allowable size of a non-conforming on-premises identification sign from 30 square feet to 42 square feet, submitted by Signs Now/Jeremy Collins.

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.

Jeremy Collins, the applicant, explained that Governor's is under new ownership, adding that the owner wishes to generate renewed interest in the restaurant by utilizing a new logo which would be displayed on the sign.

Joe Janz, marketing manager for Governor's, stated that the business has undertaken extensive work to update the brand to increase awareness which will be facilitated by the new sign.

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

Voelliger asked if the sign would interfere with visibility for motorists. Soenksen stated that it would not.

Clements asked how large a typical on-premises identification sign is. Soenksen explained that typically similar signs are 60 square feet in size.

On motion by Clements, seconded by Falk, that a variance to increase the allowable size of a non-conforming on-premises identification sign from 30 square feet to 42 square feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #12 to these minutes.

- c. **Case 16-092; 3557 Deertrail Road (R-2)** – A request for a variance to reduce the required front yard setback from 25 feet to 13 feet to allow for construction of a garage addition, submitted by Donald and Cindy Tice. (Deferred to meeting of November 10, 2016)

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:35 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

October 13, 2016

Staff Report

Case No. 16-092

Location: 3557 Deertrail Road

Applicant: Donald and Cindy Tice

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

Request: Variance to reduce the required front yard setback from 25 feet to 13 feet to allow construction of a garage.

Background Information and Facts

The site is located south of Riverdale Heights Elementary School at the intersection of Deertrail Road and White Tail Drive (see Attachment A – Location Map). The applicant would like to add a 12-foot by 42-foot addition to the existing structure which, if allowed, will be within 13 feet of the “front” property line adjacent to White Tail Drive (see Attachment B – Plot Plan).

Staff Analysis

As shown on Attachment B, the addition will not interfere with the required vision triangle at the intersection of Deertrail Road and White Tail Drive. The applicant indicates that they have verified with the Deerbrook Homeowners Association that the proposed addition is allowed by the association. The applicant also indicates that he will be bringing signatures from the nearby neighbors supporting the request.

Over the last three years staff has been able to find three cases the Board heard regarding house structure encroachments into the required front yard setback. The following is a summary of those cases.

- At 2337 Oak Street the Board APPROVED a reduction of the front yard setback from 25 feet to 19 feet to allow a porch addition on the front of the house in March of 2015 (see Attachment C – Oak Street Approval). The Board felt the request was in keeping with the neighborhood that had varying front setbacks.
- In November of 2014 the Board DENIED a request to reduce the required front yard setback on a corner lot from 30 feet to 15 feet for a new home construction

at 5770 Little Lane. In that case there were objections submitted to the Board by nearby neighbors (see Attachment D – Little Lane Denial).

- In the most recent case, the Board APPROVED a reduction for the front yard setback on a corner lot at 702 - 8th Street from 7 feet to 3 feet 9 inches to allow a deck addition. The Board felt that the lot configuration and elevation and the additional right-of-way adjacent to the applicant's property supported the request that would not detract from the surrounding neighborhood (see Attachment E – 8th Street Approval).

Based on the above previous rulings, the Board has considered these requests individually on each of their merits and based their decision on the facts that pertain to the specific case and has therefore not set a standard precedent (either approval or denial) for the request now under consideration.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



DEVILS GLEN RD

DEER RIDGE

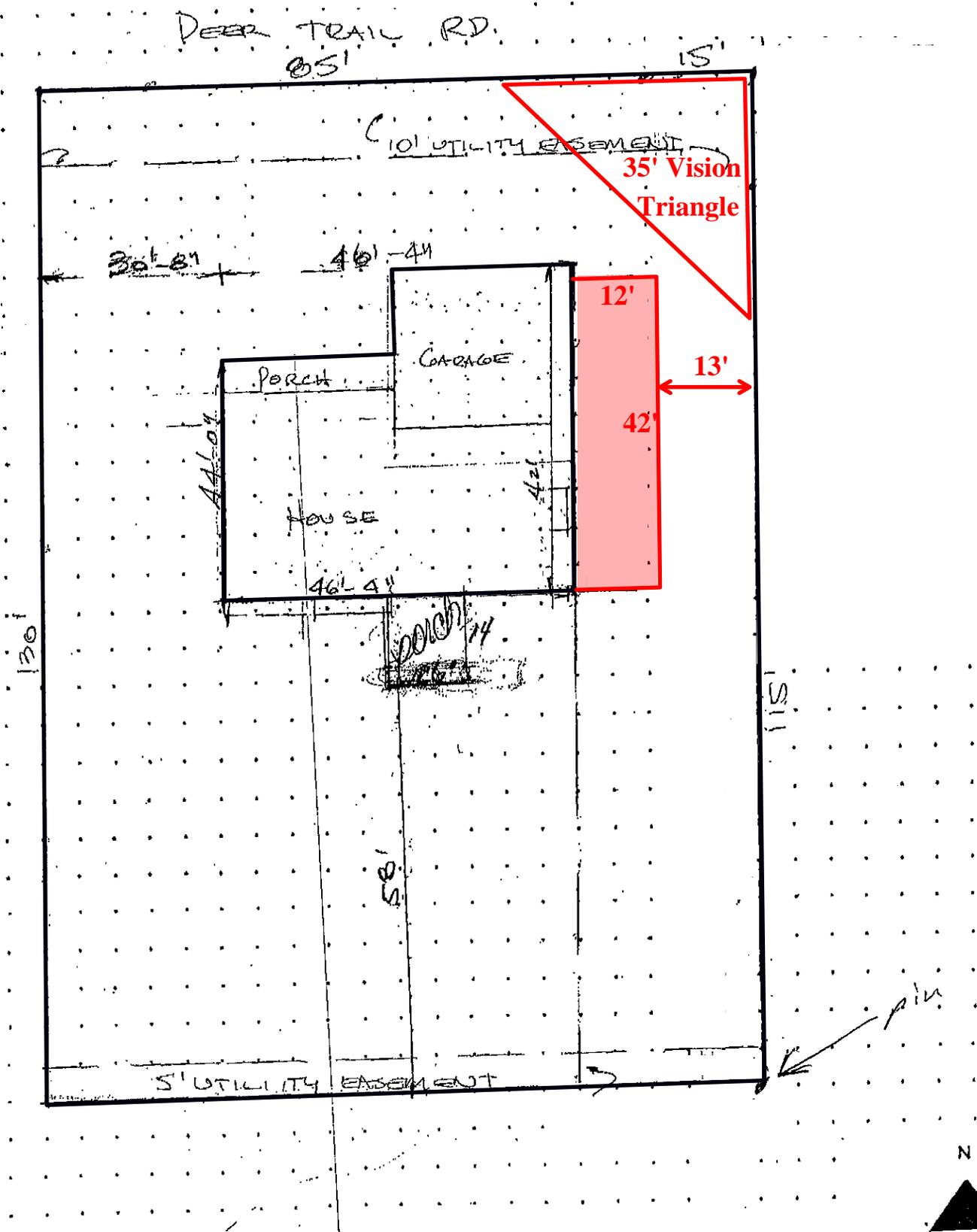
DEER TRAIL RD

SITE

WHITE TAIL DR

ANTLER CT

FAWN LN



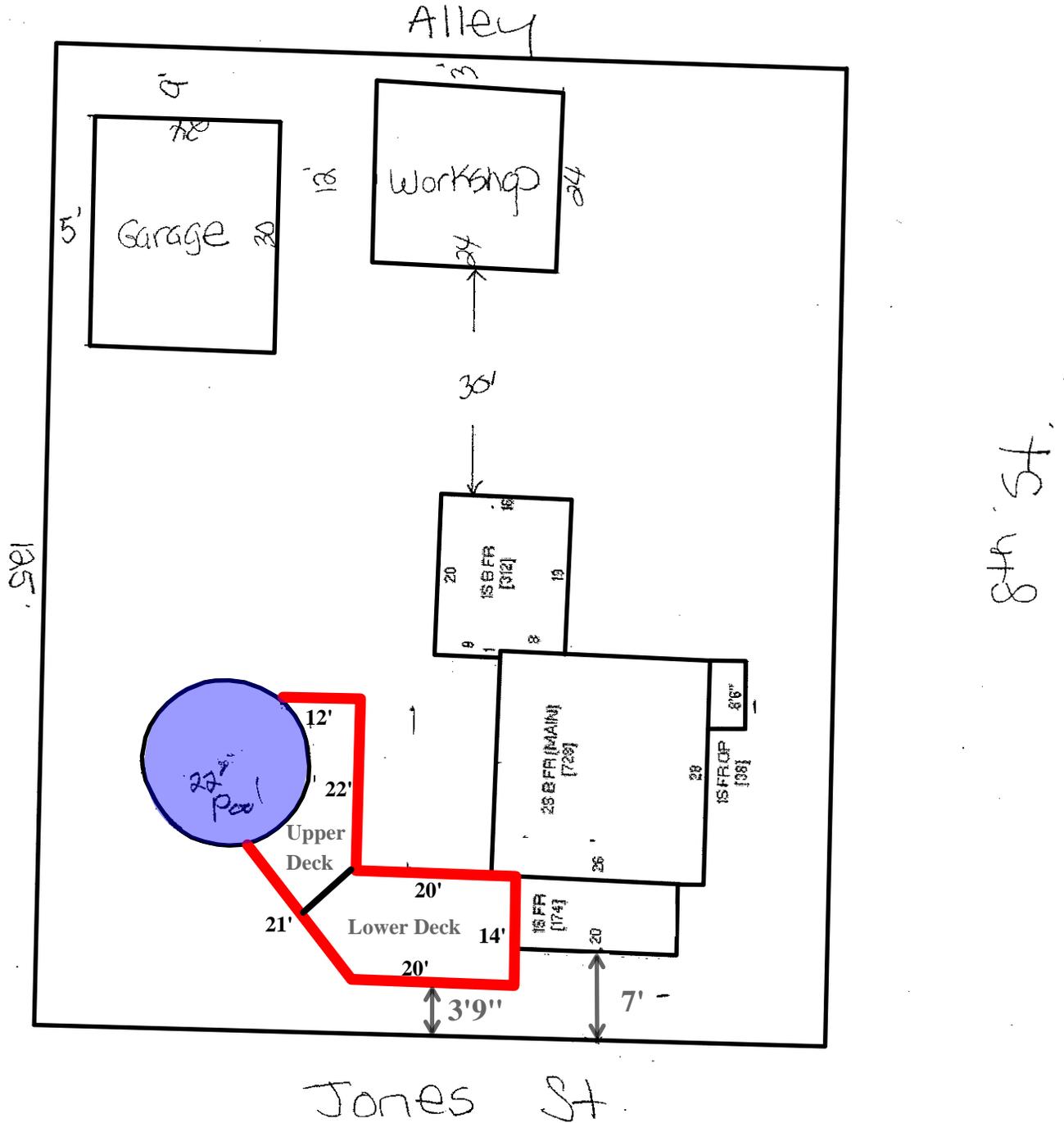
Attachment - C



Attachment - D



PLOT PLAN



Front Setback _____
 Side Setback Min _____ Total _____

Rear Setback _____

Scale 1" = 20'

Indicate North



Case No. 16-092

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

Part 1. Property Involved.

Street Address 3557 Deertrail Road

Legal Description of the property. Lot #29 of Deerbrooke Estate 7th Addition.

Part 2. Contact Information.

Applicant Name _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

Owner Name Donald E & Cindy R Tice Phone _____

Address 3557 Deertrail Road FAX _____

E-mail Address: dcnl76@gmail.com DCNL76@gmail.com

Agent _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

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

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

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

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

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

3. Other. _____

(Attach a separate sheet and explain in detail.)

Part 4. General Information.

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

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

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

See attached
 A request to reduce the front yard setback from 25-feet to 13-feet to allow a garage addition.

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.

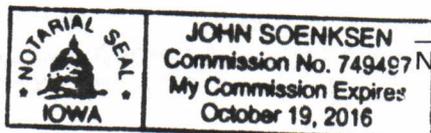
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this _____ day of _____, 20 ____.

Signature of Applicant *Dan Fice* Signature of Owner *Dan Fice*
 (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 Sept., 20 16.



John Soenkse
 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 *John Soenkse*
 Amount \$50 Date 7-27-2016
 Check # 3696



COMMUNITY DEVELOPMENT

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

November 10, 2016

Staff Report

Case No. 16-102

Location: 5499 White Post Road

Applicant: David Knaack

Zoning Designation: A-2, Rural Residence District

Request: Variance to allow a 5-foot high fence in a required front yard.

Background Information and Facts

The site is located on the southwest corner of the intersection of White Post Road and Heatherstone Road (see Attachment A – Location Map). There is currently a combination of a 6-foot high and a 4-foot high fence surrounding a portion of the rear yard (see Attachment B – Current Fence). The applicant would like to replace the entire fence with a 5-foot high, vinyl-coated chain-link fence surrounding the same area as the existing fence.

Staff Analysis

If allowed, the fence would be set back 12 feet from the property line adjacent to Heatherstone Road and would be set back 24 feet from the actual paved portion of Heatherstone Road (see Attachment C – Plot Plan/Fence Placement). The applicant has already started replacing the wood fence with the smaller 5-foot vinyl coated chain-link fence in the area that it is allowed without a variance (see Attachment D – Old/New Fence Comparison). As shown on Attachment D, the new fence will look far less intrusive due to its transparent characteristic compared to the solid wood fence. It appears that the request, if approved, will result in a less conspicuous looking fence than has previously existed at the same location for many years.

The current and proposed fence placement keeps the fence out of the 100-year flood zone to the rear of this property (see Attachment E – Flood Zone Illustration). As a result, the rear (south) portion of the fence is (on average) 28 feet from the rear property line. This is one of the reasons the applicant would like to keep the current placement of the fence in an effort not to lose any more usable square footage inside the rear fence enclosed area.

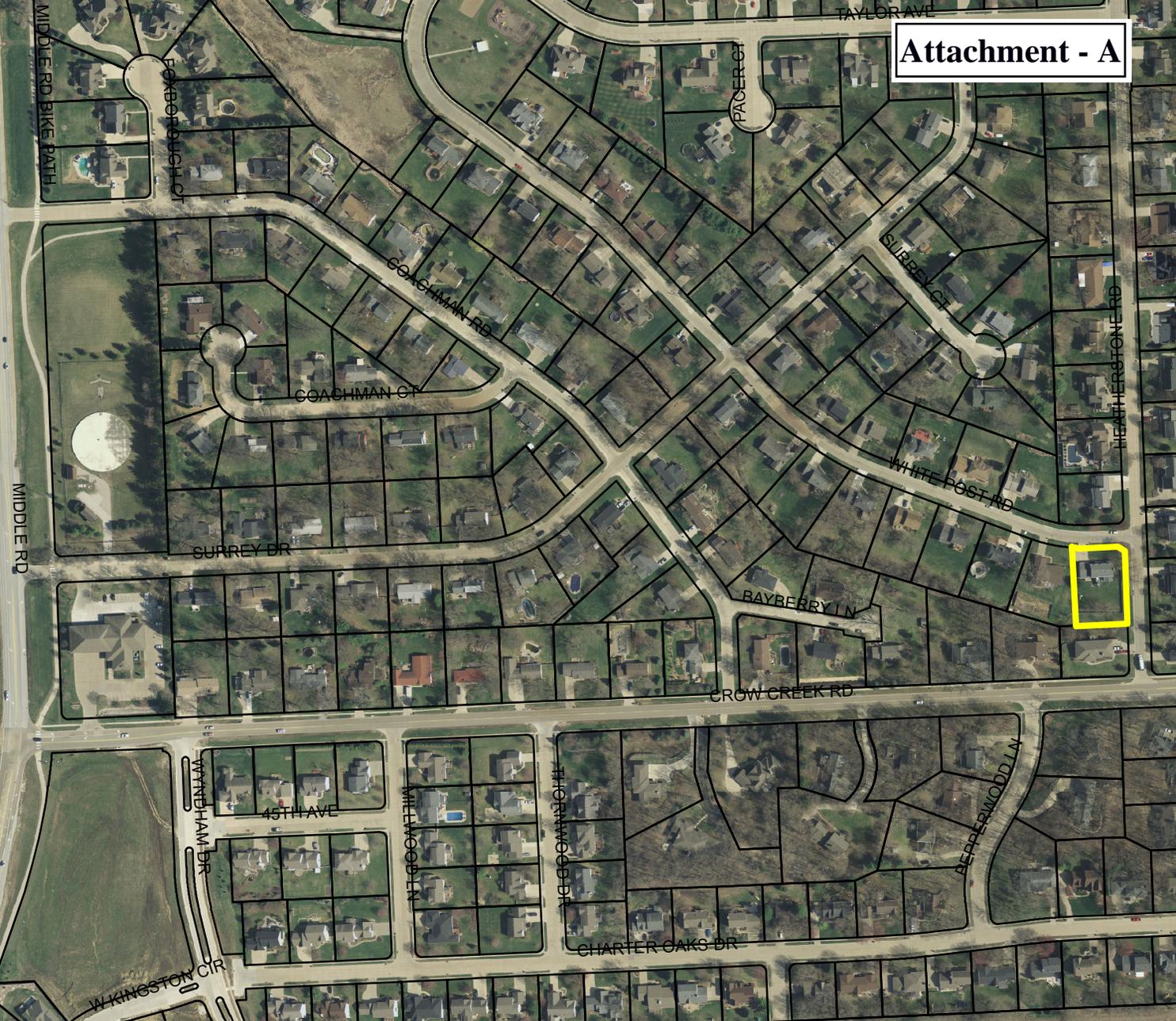
Staff Recommendation

In similar rulings, the Board has indicated that 5-foot fences set back reasonable distances from the involved property line are more acceptable than many previous 6-foot fence requests with little or no setback from the involved property line. While staff cannot cite a particular hardship in this case other than the usable area lost to the flood zone, the request appears consistent with previous decisions, and the new fence appears less noticeable to the surrounding neighbors than does the solid wood fence that currently exists.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



MIDDLE RD BIKE PATH

POBOROUGH CT

PACER CT

TAYLOR AVE

COACHMAN RD

SURREY CT

COACHMAN CT

HEATHERSTONE RD

SURREY DR

WHITE POST RD

RAYBERRY LN



CROW CREEK RD

WYNDHAM DR

45TH AVE

WILLOW LN

HORNWOOD DR

BEPPERMOD LN

WYKINGSTON CIR

CHARTER OAKS DR

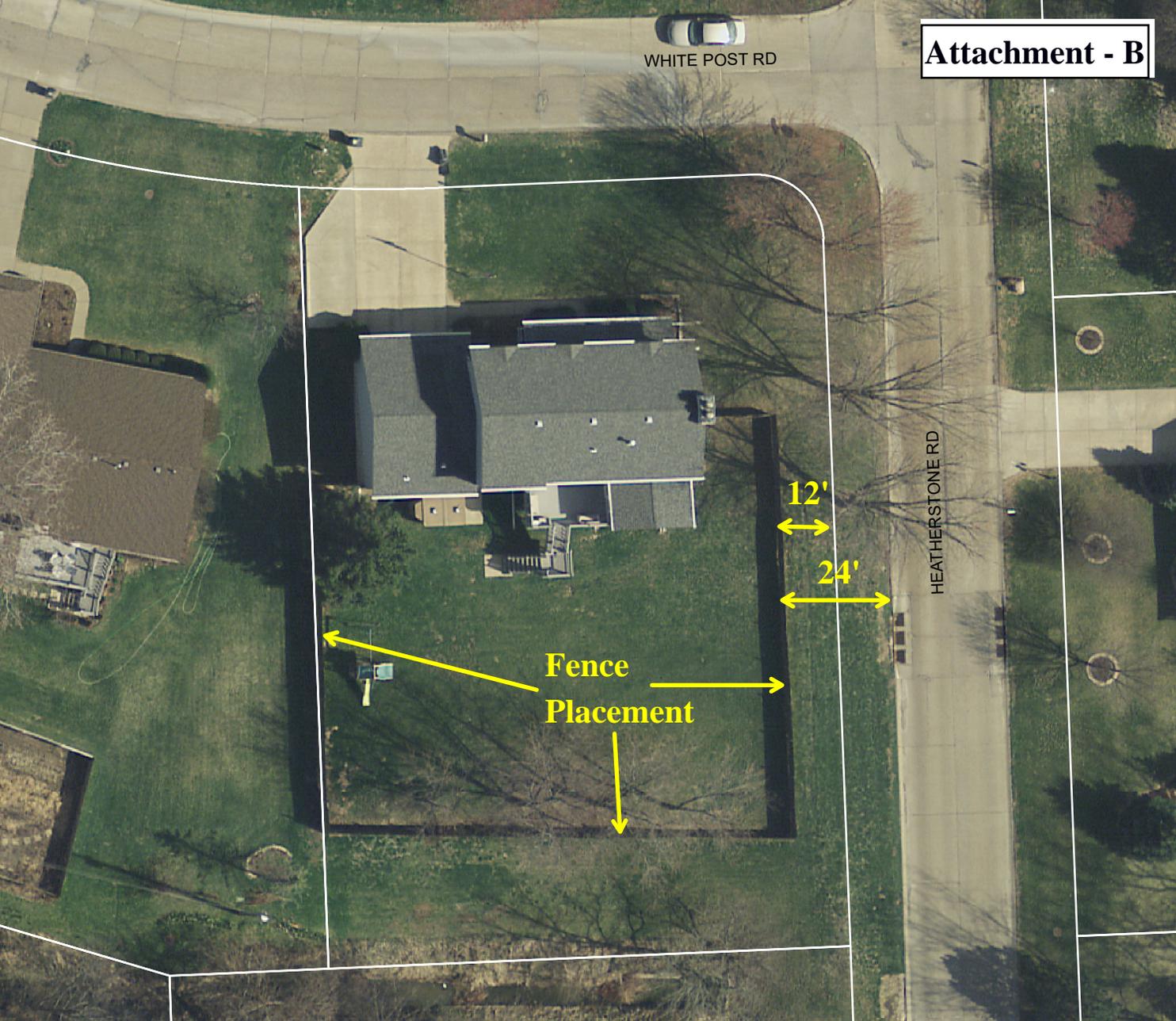
WHITE POST RD

HEATHERSTONE RD

12'

24'

Fence Placement

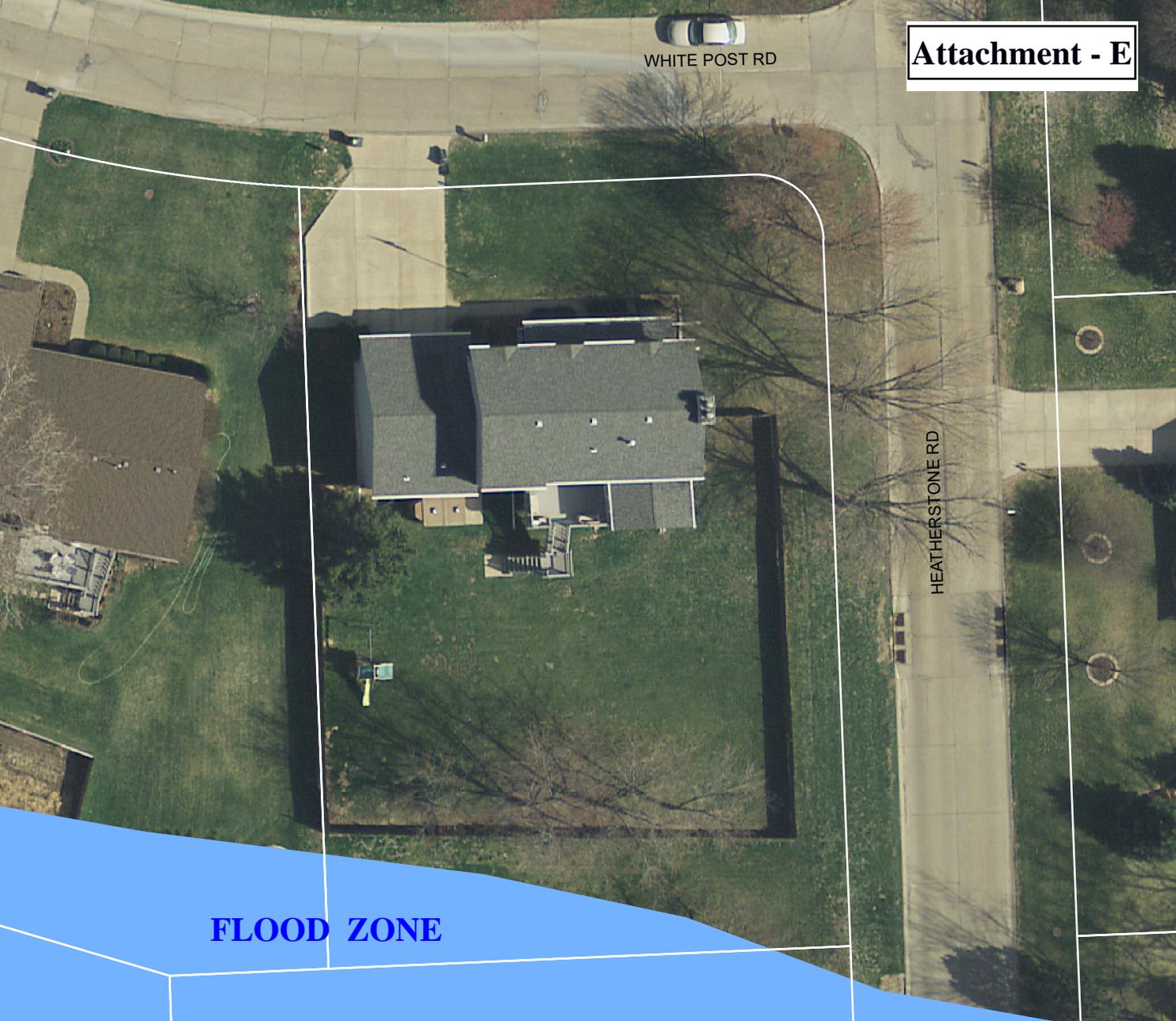




WHITE POST RD

HEATHERSTONE RD

FLOOD ZONE



Case No. 16-102

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

Part 1. Property Involved.

Street Address 5499 WHITE POST RD.

Legal Description of the property. _____

Lot 111 Surrey Heights Third Addition

Part 2. Contact Information.

Applicant Name DAVID P. KNACK Phone 563-349-6985

Address 5499 WHITE POST RD FAX _____

E-mail Address: KNACK2003@YAHOO.COM

Owner Name SAME AS ABOVE Phone _____

Address _____ FAX _____

E-mail Address: _____

Agent _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

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

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

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

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

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

3. Other. _____

(Attach a separate sheet and explain in detail.)

Part 4. General Information.

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

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

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

I'm REQUESTING A VARIANCE TO REPLACE A 34 YR OLD CLEAR FENCE THAT IS DILAPIDATED DUE TO PREVIOUS YEARS WIND STORMS. THIS FENCE IS 8 FT TALL FROM WEST TO EAST WHERE LINE OF SIGHT DEMANDS 4 FT AND FINISHES PREMISE IN 4 FT. FENCE IS 12 FT FROM EAST PROPERTY LINE. INTENT IS TO MAKE IT UNIFORM USING 5 FT BLACK VINYL CHAIN LINK FENCING WHICH WILL BE MUCH MORE AESTHETICALLY PLEASING AND BLEND INTO THE CURRENT SURROUNDINGS. WITH THIS FENCE THE AREA WILL BE MORE TRANSPARENT THEN THE OLD FENCE PROVIDED MORE OF A PRIVATE THEMED APPEARANCE. THANK YOU

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

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

Part 7. Signature.

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

Signature of Applicant _____ Signature of Owner [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 17th day of Oct., 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 \$50.00 Date 10-17-2016
CASH