

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
DECEMBER 8, 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 November 10, 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 16 feet to allow for construction of a garage addition, submitted by Donald and Cindy Tice. (Deferred from meeting of November 10, 2016)
 - b. **Case 16-110; 4060 Middle Road (C-2)** – A request for a special use permit to allow a drive-up window, submitted by Build to Suit, Inc./Kevin Koellner.
 - c. **Case 16-111; 627 Eighth Street (R-2)** – A request for a variance to allow an accessory building (garage) within 3 feet of the front property line adjacent to Eighth Street, submitted by Michael Lavery.

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
NOVEMBER 10, 2016
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of October 13, 2016.

On motion by Falk, seconded by Spranger, that the minutes of the meeting of October 13, 2016 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 16-092; 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 December 8, 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.

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. He stated that he had received a letter from Amanda and Rich Ford, 5455 White Post Road, expressing support for

the request. He indicated that he had also received a phone call from another neighbor who expressed support after learning that the fence would not be placed in front of the house.

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

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

Falk commented that the consistency in height of the proposed fence is likely a benefit to the neighbors. He stated that he has no objections to the proposed fence. Spranger concurred.

On motion by Spranger, seconded by Falk, 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 #4 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:05 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 16 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 16 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

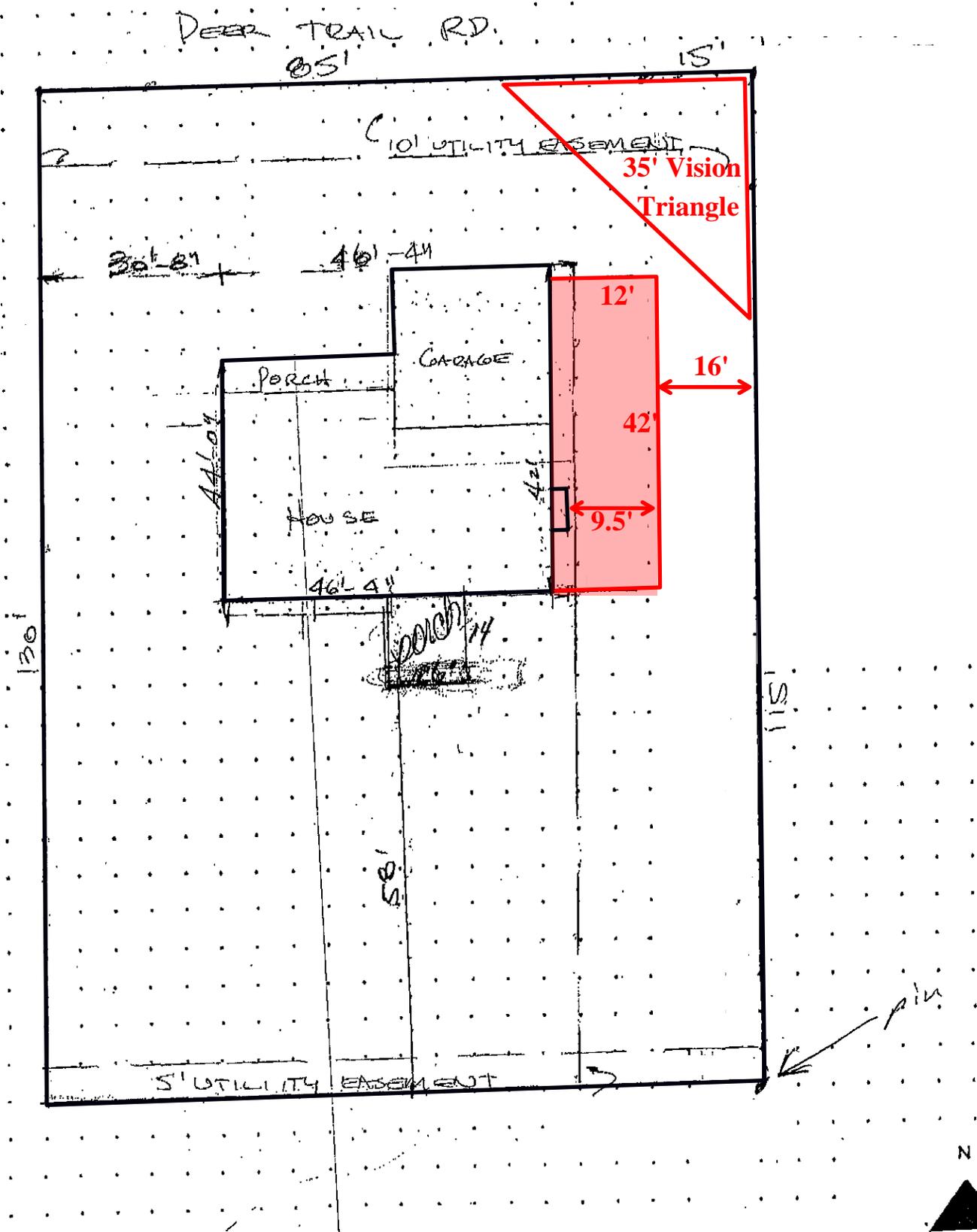
DEER TRAIL RD

SITE

WHITE TAIL DR

ANTLER CT

FAWN LN



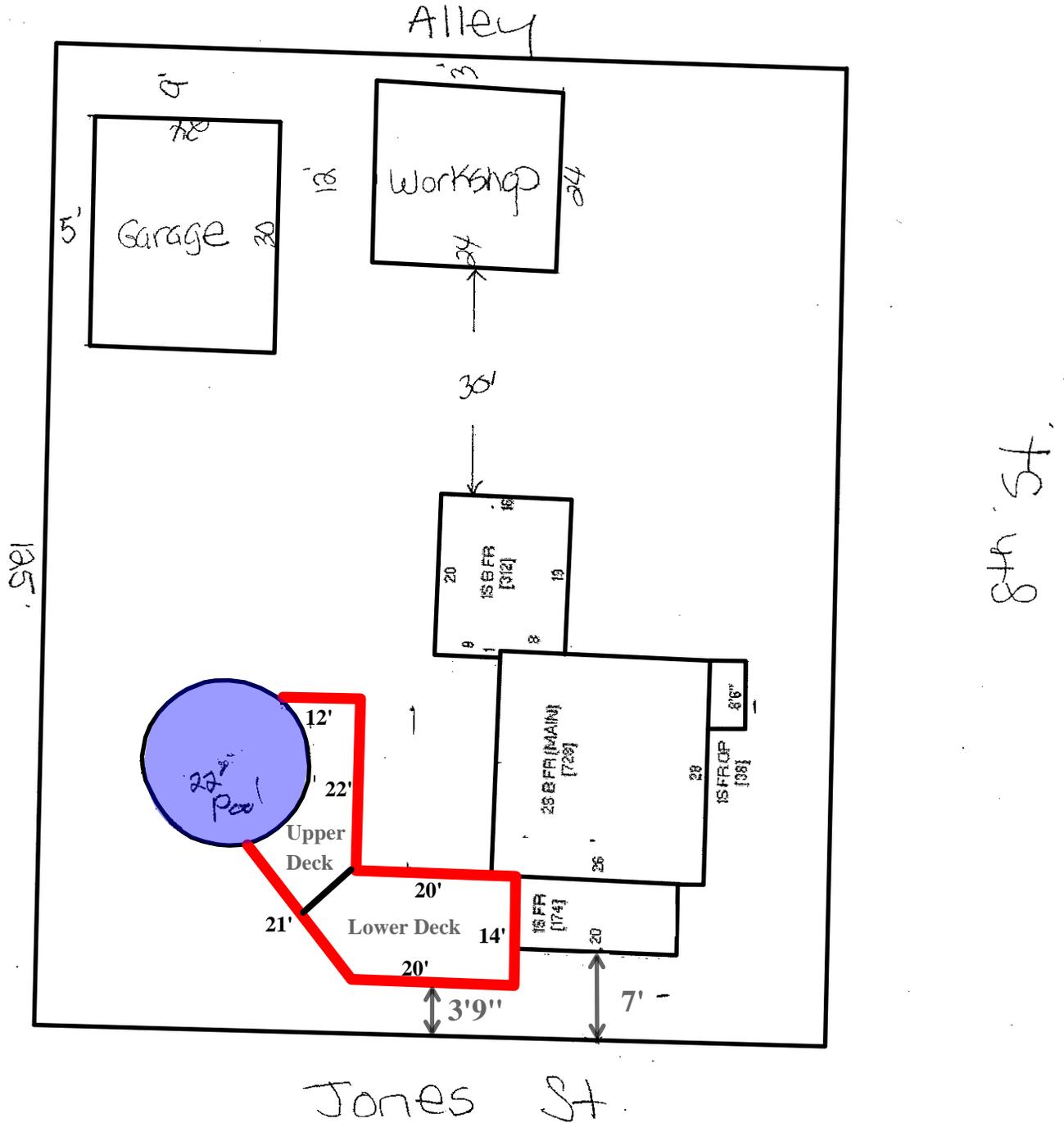
Attachment - C



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 Deertvail 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 Deertvail 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.

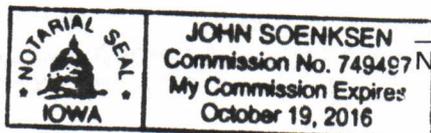
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this _____ day of _____, 20 ____.

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

December 8, 2016

Staff Report

Case No. 16-110

Location: 4060 Middle Road

Applicant: Build to Suit, Inc.

Zoning Designation: C-2, Community Shopping District

Request: Special use permit to allow a drive-up window.

Background Information and Facts

The site is located at the southwest corner of Woodfield Drive and Middle Road which is east of Lindquist Ford on Middle Road (see Attachment A – Location Map). The applicant intends to develop the site as a new University of Iowa Credit Union including a drive-up window located on the north side of the building (see Attachment B – Site Plan). The drive-up window requires a special use permit.

Staff Analysis

The drive-up area can accommodate 9 to 10 vehicles if all lanes are open and up to 4 vehicles if only one lane is open. The drive-up area is accessible by either using the entrance off of Middle Road and driving counterclockwise around the building or by using the entrance from Woodfield Drive and driving straight into the drive-up area. As designed, the headlights of the vehicles waiting at the drive-up facility will be directed away from the residences on Crowne Pointe Circle.

Prior to approving a special use permit, 9 standards must be met. Below is a listing of those standards and staff's evaluation of the request in relationship to each standard.

1. The proposed use is designated by this title as a special use in the district in which the use is to be located.

Section 11-7B-3 lists "drive-up window" as an allowed special use.

2. The proposed use will comply with all applicable regulations in the district in which the use is to be located.

The site development plan for the project was reviewed by the Planning and Zoning Commission and recommended for approval. This site plan approval process is intended to ensure that the above standard is met.

3. 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.

Staff is satisfied that the proposed site will be in harmony with the development on the site and the surrounding area.

4. 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.

The Planning and Zoning Commission felt that the development met these requirements. These issues will be a main focus of the site plan approval process during further review by the City Council.

5. 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.

Staff's and the Planning and Zoning Commission's initial review indicate that this standard will be met, and this issue will be further scrutinized during the site plan approval process at City Council.

6. The proposed use will not cause substantial injury to the value of other property in the neighborhood.

This property has been zoned commercial prior to the nearby residential area developing. The site plan approval process will allow two public hearings to allow the Council to address any concerns of the neighbors.

7. 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.

The request has never been the subject of a denial by the Board.

8. 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 general intent of this title. Failure to comply with such conditions or restrictions shall constitute a violation of this title.

At this time staff is not requesting any further conditions.

9. The proposed use is consistent with the Bettendorf comprehensive plan and serves to further the goals of the plan.

The future land use map has the area designated as commercial. The request is consistent with that designation.

Staff Recommendation

Staff recommends approval of the special use permit for a drive-up window.

Respectfully submitted,

John Soenksen
City Planner



SITE

WOODFIELD DR

CROWNE POINTE

MIDDLE RD

MIDDLE RD BIKE PATH

RIDGE PT

BELMONT RD



Case No. 16-110

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

Part 1. Property Involved.

Street Address 4060 Middle Road

Legal Description of the property. Lot 2, Crowne Pointe Twelfth Addition

Part 2. Contact Information.

Applicant Name Build to Suit Inc. Attn: Kevin Koellner Phone 563.355.2022
Address 1805 State Street, Suite 101, Bettendorf, IA 52722 FAX 563.355.7806
E-mail Address: kevink@buildtosuitinc.com

Owner Name Mark McManus Development Phone 563.449.9212
Address P.O. Box 927, Bettendorf, IA 52722 FAX 563.332.0331
E-mail Address: _____

Agent Build to Suit Inc. Attn: Kevin Koellner Phone 563.355.2022
Address 1805 State Street, Suite 101, Bettendorf, IA 52722 FAX 563.355.7806
E-mail Address: kevink@buildtosuitinc.com

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

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
 - (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 11-7B-3: Special Uses Permitted Existing Zoning C-2

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

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

Requesting variance to allow a drive-up window for a proposed Credit Union facility.

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

- (x) 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.

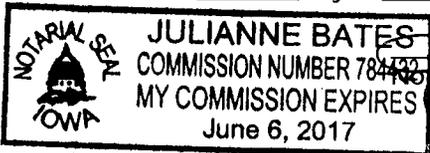
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 9th day of Nov., 20 16.

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

State of Iowa)
) SS
 County of Scott)

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

Witness my Hand and Notarial Seal this 9th day of November 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 _____
 Amount _____ Date _____



COMMUNITY DEVELOPMENT

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

December 8, 2016

Staff Report

Case No. 16-111

Location: 627 Eighth Street

Applicant: Michael Lavery

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

Request: Variance to allow an accessory building (garage) within 3 feet of the front property line adjacent to Eighth Street.

Background Information and Facts

This site is located at the southeast corner of Jones Street and Eighth Street (see Attachment A – Location Map). There is currently a small 240 square foot single-car detached garage on the property, and the applicant would like to replace that structure with a new detached, 672 square foot 2½-car garage. The applicant is asking for a variance to allow the new structure to be within 3 feet of the property line adjacent to Eighth Street (see Attachment B – Plot Plan).

Staff Analysis

The applicant would like to use the chosen location because a \$2,000 brick and concrete patio was just installed in 2015, and the patio would have to be at least partially removed to accommodate the new larger garage at the current location. The applicant also feels that moving the garage west would allow easier access in and out of the new garage.

The applicant feels that the new garage would not detract from the established neighborhood due to the fact that several structures are already set back very close to Eighth Street and this request is similar and compatible to the surrounding neighborhood (see Attachment C – Three Setback Examples).

Example #1 (Attachment D) illustrates that the front setback at 803 Eighth Street is 4 feet from the property line adjacent to Eighth Street.

Example #2 (Attachment E) illustrates that the front setback at 709 Eighth Street is 4 feet from the property line adjacent to Eighth Street. This property is directly across the street (Jones Street) from the applicant's property.

Example #3 (Attachment F) illustrates that the front setback at 803 Holmes Street is 4 feet from the property line adjacent to 8th Street.

While conducting a site visit regarding this request, staff also noticed that the front setback for the house at 727 Eighth Street also appears to be 4-5 feet from the property line adjacent to Eighth Street.

The property line adjacent to Eighth Street is approximately 8 feet back (east) of the sidewalk. Most property lines in the original areas of the city are only one foot back of the sidewalks. Therefore, even at the requested 3-foot setback, the structure will be 11 feet behind of the sidewalk adjacent to Eighth Street (see Attachment G – Property Line Setback). If allowed, the new garage would be 9 ½ feet closer to Eighth Street than is the current house on the property.

Staff Recommendation

This lot, like many lots in the original areas of the city, is only 50 feet wide; however, the proposed garage can be located such that all required setbacks are observed. Staff cannot cite a legitimate hardship to justify granting the variance.

The applicant's statement that some homes in this area have similar setbacks off of Eighth Street similar to his request is a legitimate observation.

Respectfully submitted,

John Soenksen
City Planner

MISSISSIPPI BLVD

HALL ST

JONES ST

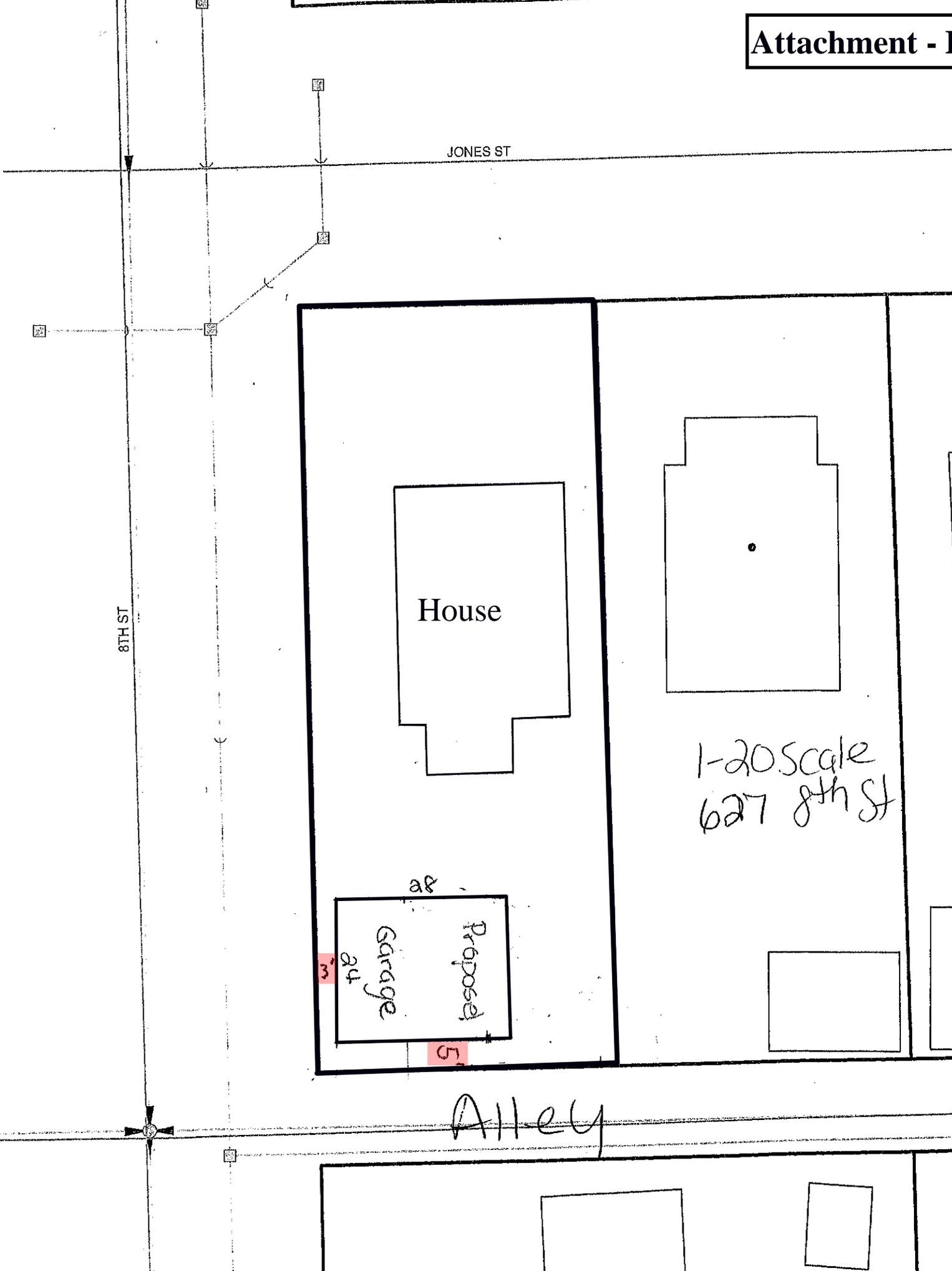
8TH ST

HOLMES ST

SITE



Attachment - B



JONES ST

8TH ST

House

1-20 scale
627 8th St

Garage
Proposed

Alley

3'

24'

5'

Attachment - C



MISSISSIPPI BLVD

HALL ST

JONES ST

8TH ST

HOLMES ST

1

2

3

Attachment - D



8TH ST

4'



Attachment - E



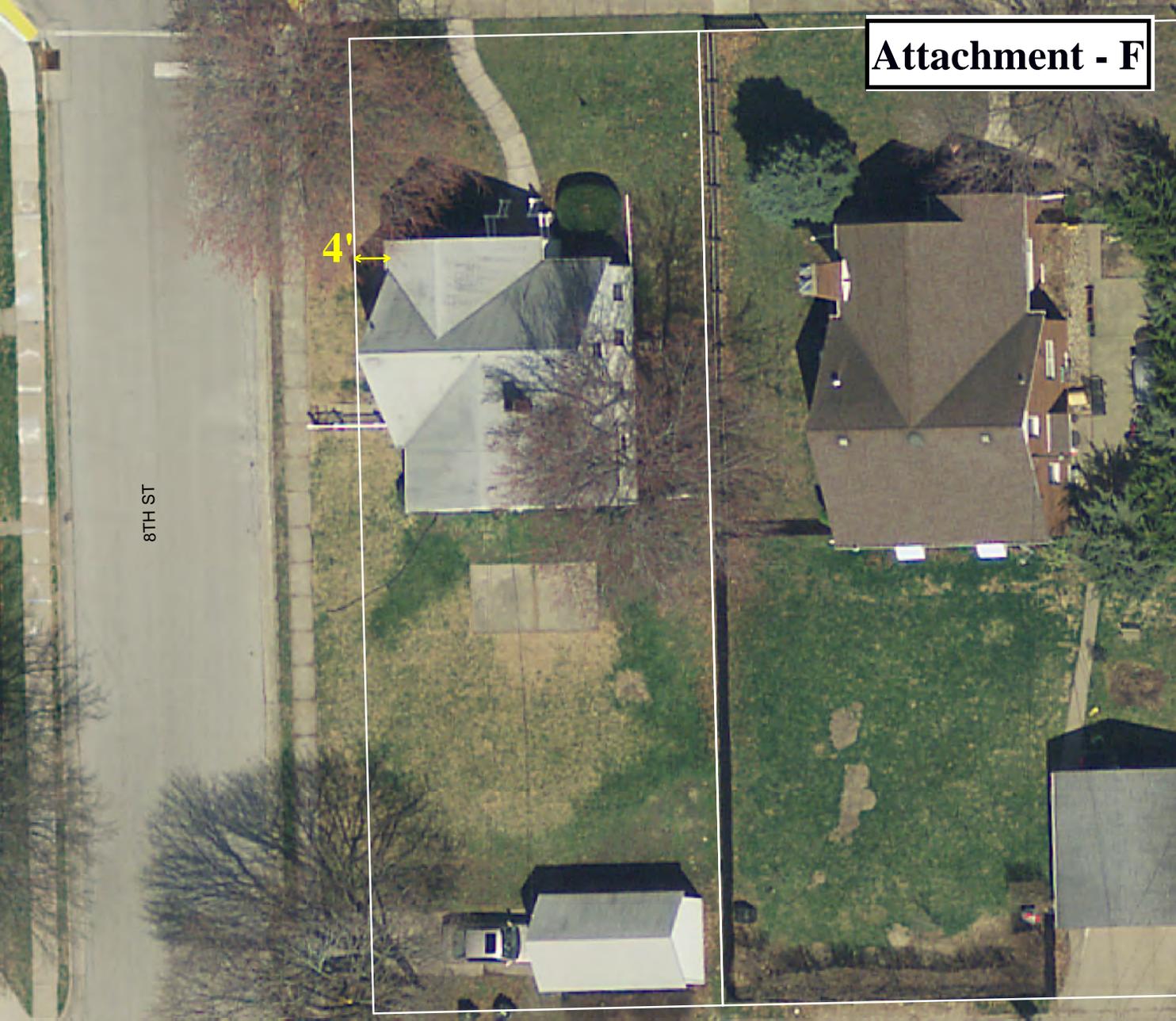
8TH ST

4'



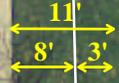
8TH ST

4'



Attachment - G

8TH ST





Case No. 110-111

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

Part 1. Property Involved.

Street Address 627 8th St Bettendorf IA 52722
Legal Description of the property. Lot 12 Block 7 Riverview Add

Part 2. Contact Information.

Applicant Name Michael Lavery Phone (563) 340-7405
Address 627 8th St Bettendorf IA 52722 FAX _____
E-mail Address: _____

Owner Name Michael Lavery Phone S/A
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.)

Soenksen, John

From: Mike Lavery [lavery.1@hotmail.com]
Sent: Thursday, November 17, 2016 4:08 PM
To: Soenksen, John
Subject: Mike Lavery variance addendum rough draft.

- 4 houses on same side of the street within a 4 block radius stretch past subject house up to their respective property lines.
- subject house is on corner lot, which would take away from backyard space. The backyard is small to begin with, and the only private area on the lot.
- A new brick and concrete patio (\$2000.00) in 2015, was installed on east side of backyard sidewalk. This would have to be removed to fit garage within city requirements.
- 2 1/2 car garage not only improves subject property value, but takes away from risks of parking in the street. Furthermore taking away backyard space would decrease subject property value.
- Entrance of garage from alley within city requirements would make access more difficult. Moving it further west would make more room with the open driveway across the alley.

Sent from my iPhone