

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
APRIL 12, 2018
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 February 8, 2018.
4. The Board to hold a public hearing on the following items:
 - a. Case 18-027; 5700 Crow Creek Road (PUD) - A request for a variance to allow a 7-foot high fence and a 6-foot high fence in a front yard, submitted by Frank and Lynn Painter.
 - b. Case 18-028; 3592 Middle Road (C-2) - A request for a variance to reduce the required landscape buffer from 25 feet to 0 feet, submitted by ECA Architects and Planners.

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

The following are minutes of the Bettendorf Board of Adjustment and are a synopsis of the discussion that took place at this meeting and as such may not include the entirety of each statement made. The minutes of each meeting do not become official until approved at the next board meeting.

**MINUTES
BETTENDORF BOARD OF ADJUSTMENT
FEBRUARY 8, 2018
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Clements, Falk, Gallagher, Voelliger
ABSENT: 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 October 12, 2017.

On motion by Falk, seconded by Clements, that the minutes of the meeting of October 12, 2017 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to review and approve the 2017 Board of Adjustment Annual Report.

On motion by Gallagher, seconded by Falk, that the 2017 Board of Adjustment Annual Report be approved as submitted.

ALL AYES

Motion carried.

Item 5. Election of officers.

On motion by Gallagher, seconded by Clements, that Voelliger and Falk retain their positions of chairman and chairman pro tem, respectively.

ALL AYES

Motion carried.

Item 6. The Board to hold a public hearing on the following item:

- a. Case 17-074; 2515 - 53rd Avenue (C-2) - A request for a special use permit to allow an outdoor service area, submitted by Devon Hill. (Withdrawn)
- b. Case 18-006; 2925 - 18th Street (PUD) - A request for a variance to allow an accessory structure in an established front yard, submitted by Oliver Owen. (Withdrawn)
- c. Case 18-007; 4850 Bettplex Drive (C-7) - A request for a variance to increase the allowable size of an on-premises identification sign adjacent to Interstate 80 from 300 square feet to 1,146 square feet and a variance to increase the size of an on-premises identification sign adjacent to Bettplex Drive from 300 square feet to 1,589 square feet, submitted by TBK Bank, SSB.

Soenksen reviewed the staff report.

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

Brad Morrison, Riverbend Sign Works, stated that because the building on which the proposed signage is to be placed is so far from the street frontage, the 300 square feet of signage that is allowed would not be visible. He indicated that the proposed building identification signage would have 10-foot high letters which is smaller than the industry standard for readability. He explained that the proposed logo would be approximately twice the size than is allowed.

Voelliger commented that the proposed signage looks to him as though the bank is being advertised rather than the sports complex. He stated that the white bank signage is much more visible than the green letters indicating that the structure is a sports complex. Morrison explained that the signs will be illuminated and will actually be brighter, adding that the sports complex letters would have halo lighting. He indicated that changes may be made to the color scheme after the permitted size is determined.

Voelliger asked if any consideration has been given to placing a two-sided billboard on the interstate. Leslie VanDyke, representing the applicant, stated that it is possible that a large video billboard would be placed on the Bettplex property along the interstate. She indicated that the company has consulted with their attorney and with the Iowa Department of Transportation (DOT) to determine whether it would be possible given that the right-of-way of an interstate interchange is adjacent to the property. She stated that if the Iowa DOT prohibits the location of the billboard in the interstate right-of-way, the applicant may try to find an appropriate location on the Bettplex property. VanDyke indicated that while she cannot definitively say whether there would be a billboard located on the property, the applicant would like to do so.

Falk asked why the applicant had not submitted a signage plan for the entire site rather than make individual requests for variances. He commented that an overall signage plan would give the Board a much better idea of what might be forthcoming, adding that it appears as though the current requests are the tip of the iceberg. He indicated that the Board's decision regarding the currently proposed signage may affect future decisions. VanDyke explained that because the applicant anticipates that

signage for as yet unknown sponsors will be necessary, she is unable to provide an overall signage plan at this time. She indicated that the signage for the sponsor of the family entertainment center that is connected to the sports complex would include building-mounted signs. VanDyke stated that there will likely be sponsors for the baseball and softball fields. She indicated that when more information is available, an appropriate size and design would be determined by the sports complex and the sponsor while taking into consideration the city's ordinance requirements.

Clements commented that VanDyke had not mentioned any monument type signage that may be proposed for the actual street frontage and asked if there would be a sign there. VanDyke explained that because there is so much new development going on in the area, it has not yet been determined whether there would be a separate monument sign for the sports complex or whether a monument sign would include advertising for other private businesses that will be located on the perimeter.

Soenksen stated that the signage for Duck Creek Plaza was allowed to be of a shopping center style even though many of the businesses are on separate lots. He added that this option for signage for a number of connected businesses might be available on the Bettplex site. He explained that signage is likely to be placed on the east side of the building, adding that the video billboard that was mentioned is not allowed within the city. He stated that only 50 square feet of electronic programmable signage is permitted.

Falk asked if the current variance requests are time sensitive or if they could be deferred until such time as a more comprehensive signage plan is available. Soenksen stated that the applicant had indicated to him that the signage requests would be submitted in stages. Morrison explained that because the contractor is now at the stage when the location of the electrical junction boxes for the signs must be determined, the precise location of the building signage must be established.

Voelliger asked if the letters forming the sign would be individually placed. Morrison confirmed this, adding that they are called channel letters which are constructed of aluminum. He indicated that the faces and the back are a modified acrylic and are LED lit with individual power supplies.

Voelliger commented that there are no neighbors who would be affected by the proposed signage. Morrison explained that because of the location and topography of the site, there is not a great deal of time for motorists to see the signage. He added that from the east the signage is visible for approximately 11 seconds, while it is visible from the west for about 16 seconds.

Clements commented that it appears as though the proposed signage is proportional to the size of the building. She added that the Board must consider whether granting a variance would set a precedent for future requests. She indicated that one of the proposed signs is 3 times the size that is allowed while the other is 5 times the permitted size. Clements stated that the Isle of Capri sign that was approved is only one-third the size of the proposed sign. Falk commented that the Isle sign is on a 10-story building.

Gallagher stated that he does not believe that the sign ordinance does a very good job with regard to the permitted signage in the C-7 district. Soenksen concurred. Gallagher stated that nearly any sign proposed in a C-7 district would require a variance or an ordinance amendment. He added that he feels that the proposed signage is appropriate for the location. He commented that it would be his preference that an overall signage plan had been available so that the Board could determine the effect of each sign

in relation to one another, adding that it seems as though the proposed variance requests must be considered now to keep the project moving forward.

Soenksen asked when the proposed signs would be installed. Morrison stated that it would likely be mid-April before the logo shape is installed while the larger signage will be installed in late March or early April. He reiterated that the building signage schedule is more depending upon the builder's timetable rather than an actual need to have the signs installed. Soenksen asked if the signs would be installed before the next requests are made. Morrison stated that that would be unlikely.

Clements asked if the entertainment center sign would be on the same side as the identification signage. Morrison confirmed this, adding that it would be much smaller. He indicated that the sign would be placed on the section of the building that protrudes from the main structure and would face east. He stated that the signage for the entire complex would be consistent with regard to style. Clements asked if the applicant would be requesting as large a sign on the east side as is current proposed for the north and south sides. Morrison stated that the signage he has proposed to the applicant is not nearly that size.

Voelliger asked how high the TBK letters would be. Morrison stated that they would be 10 feet high.

On motion by Gallagher, seconded by Falk, that a variance to increase the allowable size of an on-premises identification sign adjacent to Interstate 80 from 300 square feet to 1,146 square feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Gallagher commented that the signage adjacent to Bettplex Drive has a larger square footage than the interstate signage because it includes both the logo and identification signs. Soenksen confirmed this, adding that the identifications signs are the same size.

On motion by Gallagher, seconded by Falk, that a variance to increase the size of an on-premises identification sign adjacent to Bettplex Drive from 300 square feet to 1,589 square feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:30 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

April 12, 2018

Staff Report

Case No. 18-027

Location: 5700 Crow Creek Road

Applicant: Bill and Lynn Painter

Zoning Designation: Planned Unit Development

Request: Variance to allow a 6-foot fence in a required front yard and to allow a 7-foot high fence.

Background Information and Facts

The site is located just north and east of the intersection of Moencks Road and Crow Creek Road (see Attachment A – Location Map). The applicant has a privacy fence located slightly in front of the house and wrapping around the west side yard (see Attachment B – Fence Location). The 6-foot high section is in the front of the house, and the 7-foot high section is predominantly in the west side yard as shown on Attachment B. The applicant is asking to replace the fence in the same location and at the same heights.

Staff Analysis

Since 6-foot high fences are not allowed in front yards and 7-foot fences are not allowed in residential districts, a variance must be granted for the replacement of the proposed non-conforming fence.

Because the applicant's property drops in elevation to the west, it appears as though the fence is level even though the fence sections are of varying heights (see Attachment C – Fence Illustration).

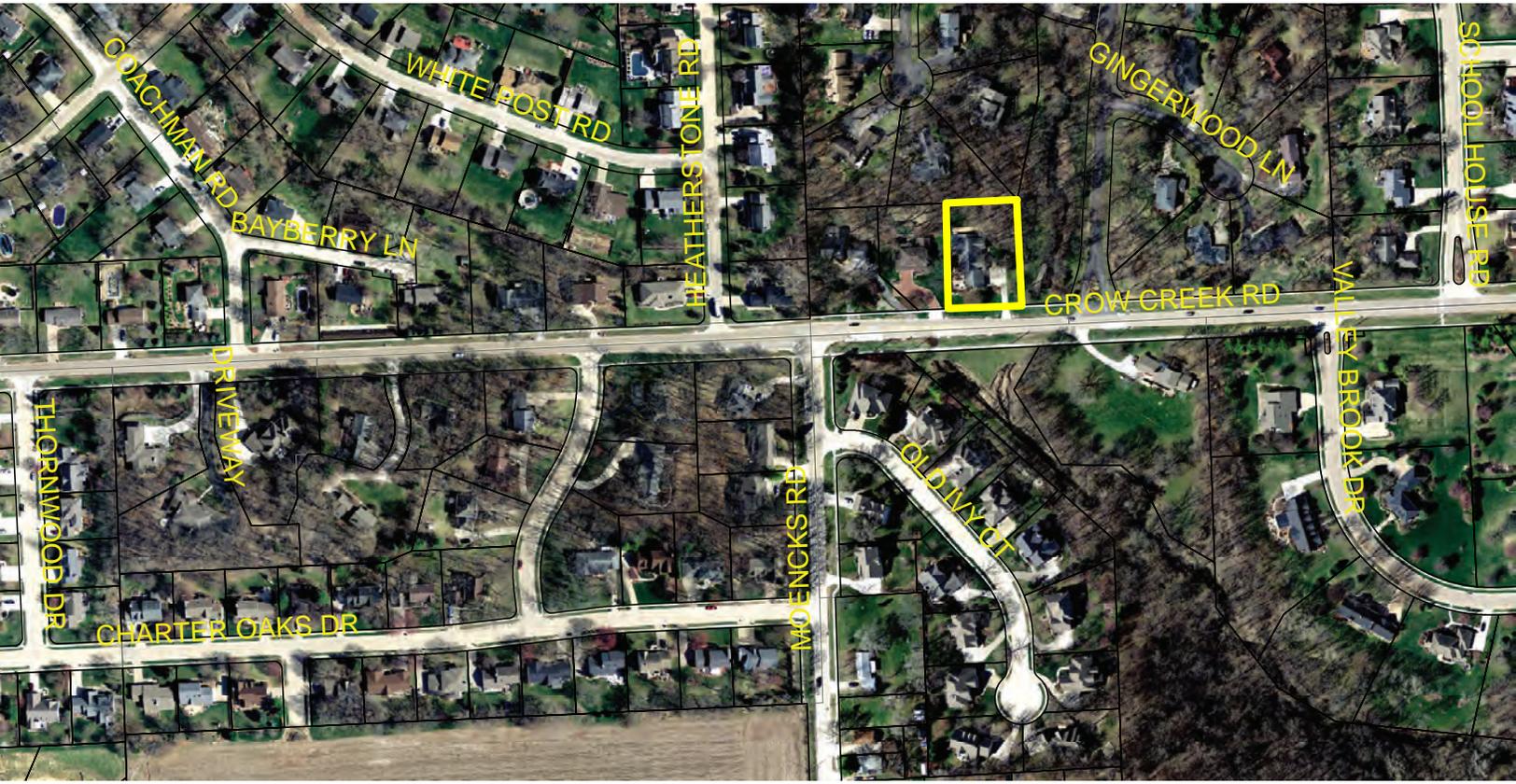
The fence has existed for decades with no adverse impact on the surrounding area and without generating complaints to city staff. The fence encroaches into the front yard by approximately 8 feet. The house is set back 38 feet from the front property line and 60 feet from the nearest paved portion of Crow Creek Road. Therefore, the encroachment of the fence into the front yard is nearly unnoticeable from Crow Creek Road.

Based on the above facts, staff does not feel that the request will change the current aesthetics of the neighborhood or surrounding area.

Respectfully submitted,

John Soenksen
City Planner

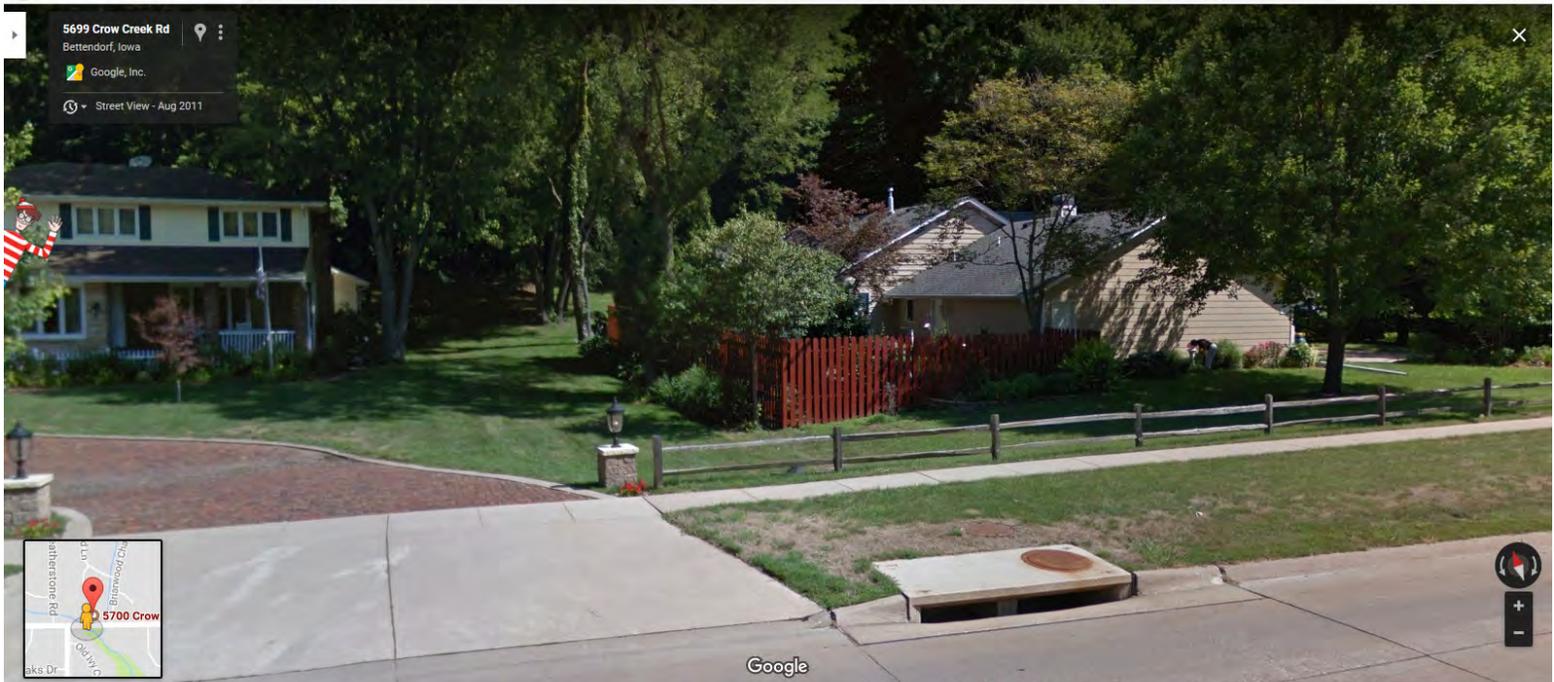
Attachment - A



Attachment - B



Attachment - C





Case No. 18-027

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

Part 1. Property Involved.

Street Address 5700 Crow Creek Road, Bettendorf, IA 52722

Legal Description of the property.

Lot #14 Century Oaks Addition
Bettendorf, IA.

Part 2. Contact Information.

Applicant Name Frank & Lynn Painter Phone 563-940-1592

Address 5700 Crow Creek Rd, Bettendorf, IA FAX _____

E-mail Address: wfp@mediacombb.net

Owner Name Frank & Lynn Painter Phone 563-940-1592

Address 5700 Crow Creek Rd, Bettendorf, IA. FAX _____

E-mail Address: wfp@mediacombb.net

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 document.

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.

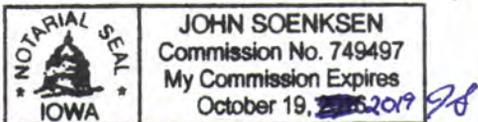
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this _____ day of _____ 20__

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

State of Iowa)
) SS
 County of Scott)

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

Witness my Hand and Notarial Seal this 26th day of March 2018.



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 \$ 50.00 Date 3-26-2018

Variance:

March 26, 2018

Our fence at 5700 Crow Creek Road is in need of repair or replacement. The existing fence is 20+ years old per our neighbor who has been at his current residence for 26 years. The fence is 32 feet long and the height is 5 feet to 7 feet from east to west along Crow Creek; and 80 feet long and the height is 7 foot and runs north to south between us and our neighbor. The pictures below illustrate the location and orientation of the fence.



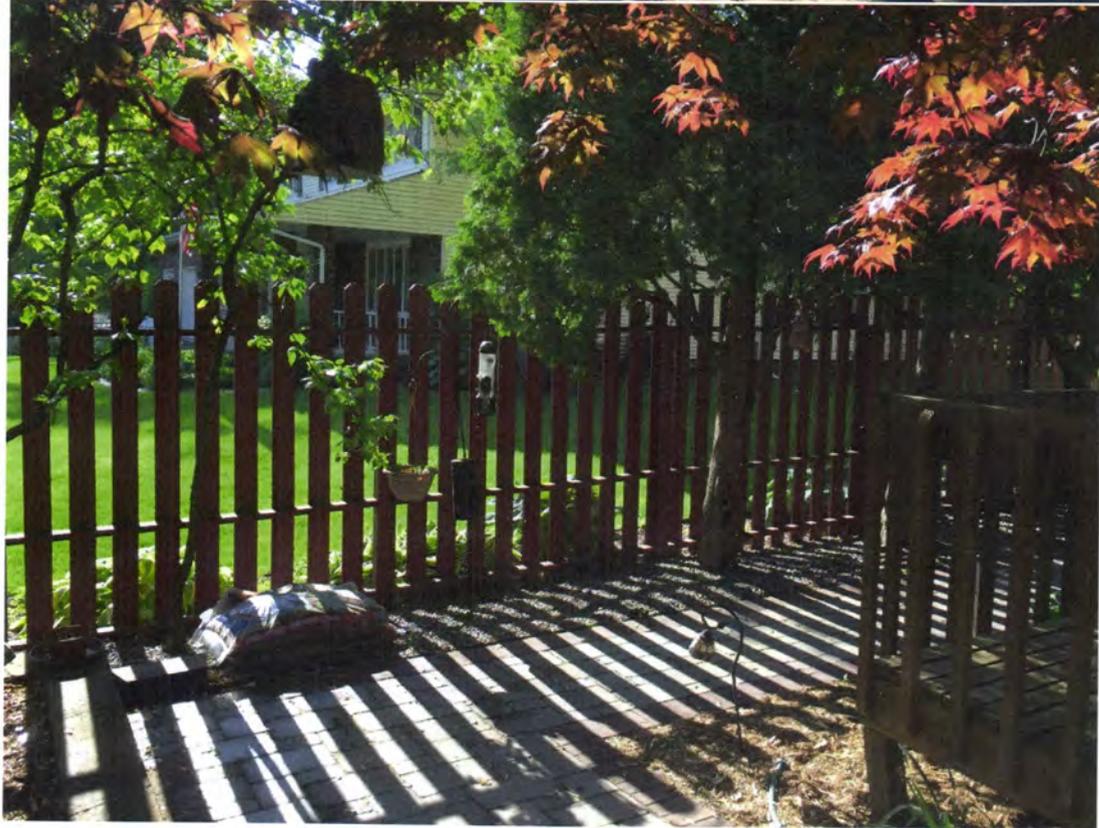
The fence provides privacy for our deck and patio from adjacent neighbors and the increasing foot and car traffic along Crow Creek Road. The fence also provides a noise reduction from the steadily increasing traffic that is growing on Crow Creek Road and also assist in reducing road dust from accumulating on our patio and deck. The current City ordinance does not allow fence height to exceed 6 feet, we are asking for a variance to allow our new fence to stay the same height (7 ft.) as it currently is. This fence has been up for more than 20 years with no complaints from any of our neighbors or the City.

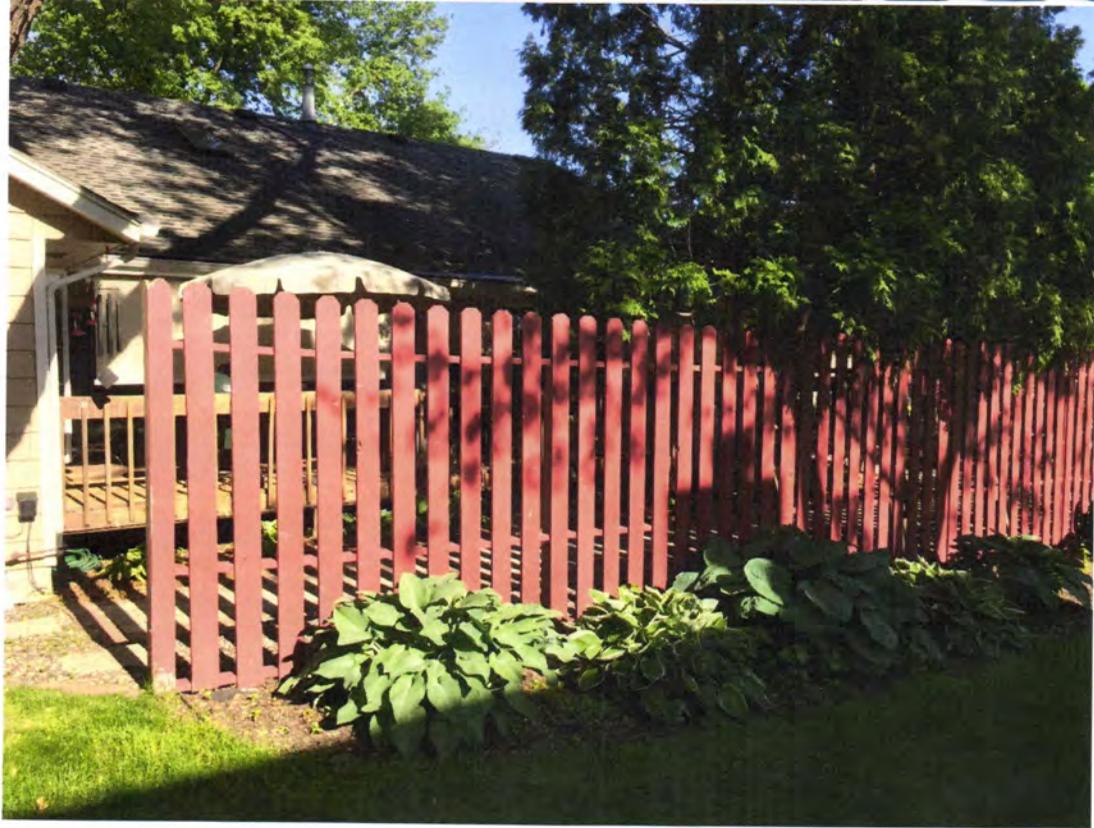
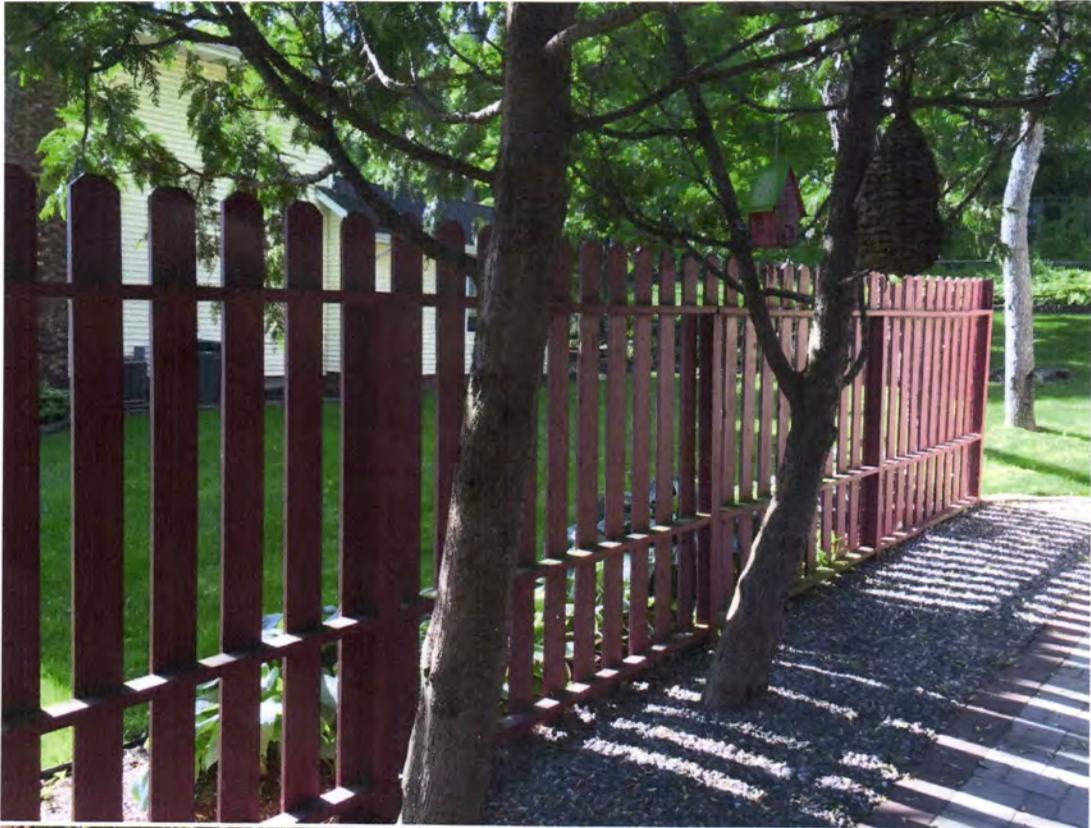
By granting this variance the City will remove the hardship of 'Loss of Privacy' at our residency.

Below are additional pictures of the existing fence for your review.

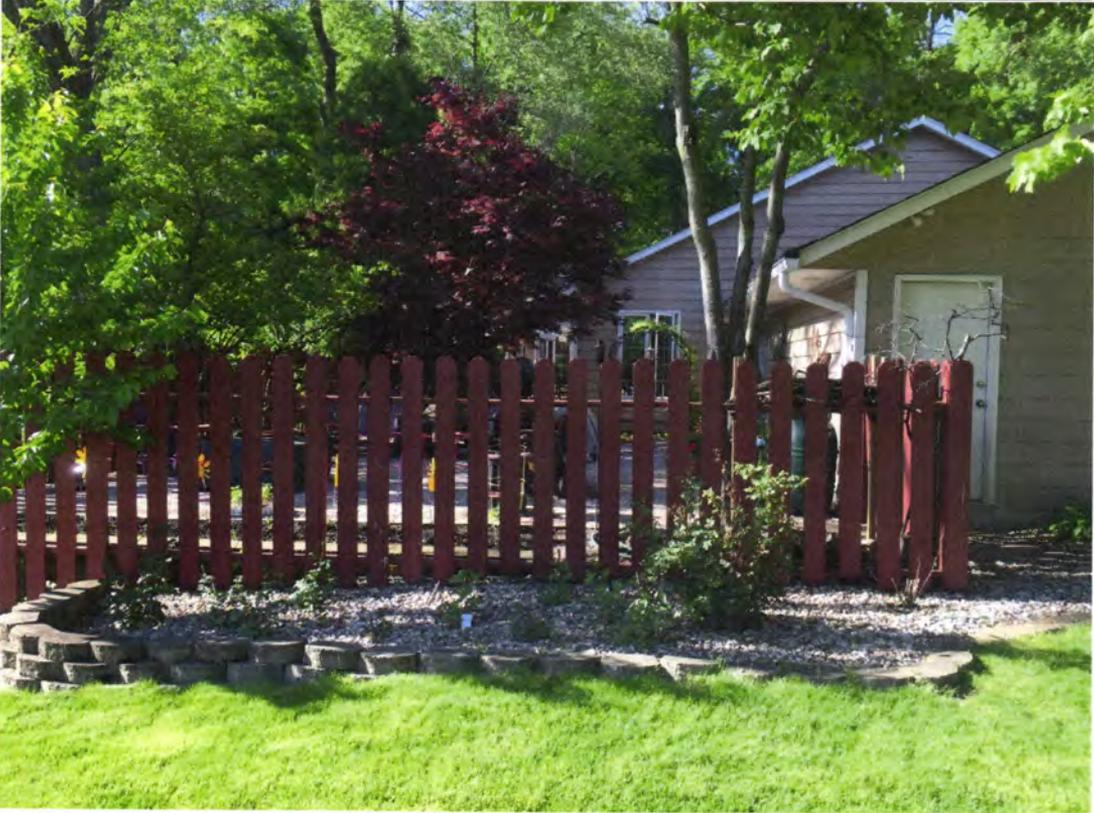
Sincerely,

Frank and Lynn Painter





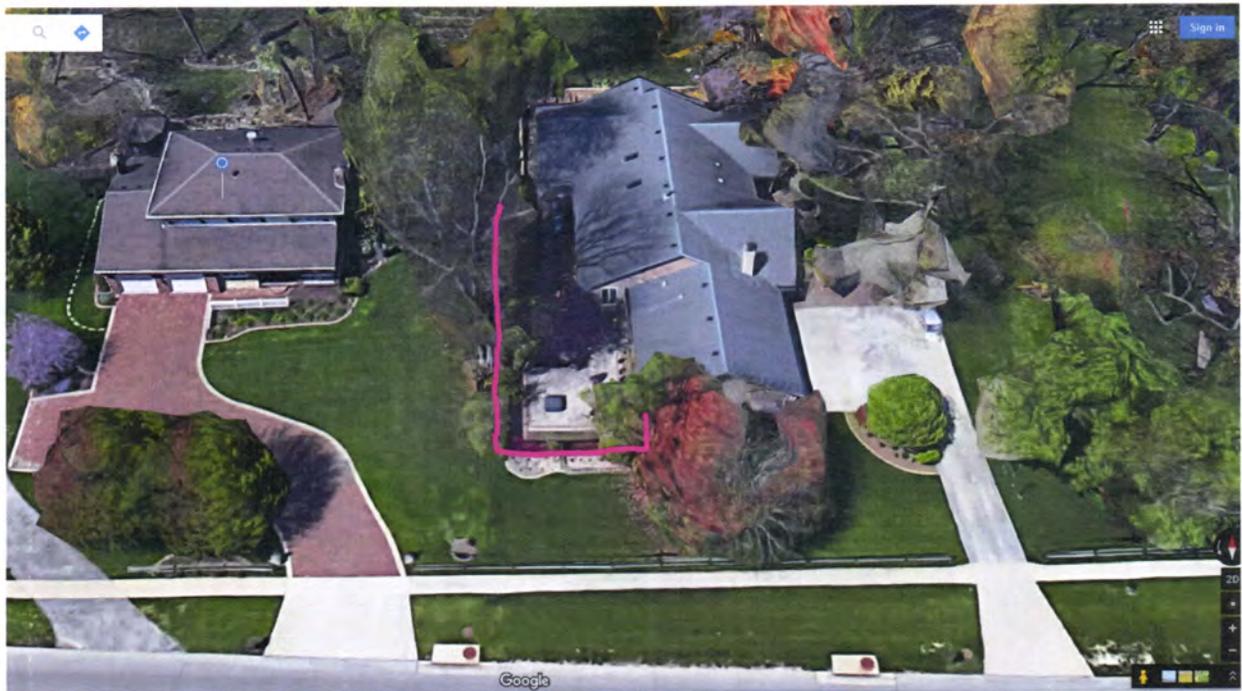




Shows the outline of the existing fence on a 2D map.



Shows the outline of the existing fence on a 3D map.





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

April 12, 2018

Staff Report

Case No. 18-028

Location: 3592 Middle Road

Applicant: ECA Architects

Zoning Designation: C-2, Community Shopping District

Request: Variance to reduce the required buffer yard from 25 feet to 0 feet.

Background Information and Facts

The site is located just east of AutoZone and Taco Bell in the 3500 block of Middle Road (see Attachment A – Location Map). The applicant is anticipating building a new Dunkin’ Donuts restaurant on the vacant lot.

Staff Analysis

The Code defines a buffer yard as “a landscaped area around the perimeter of a tract of land intended to separate and partially obstruct the view of two adjacent land uses from one another”. The applicant’s property is zoned C-2, Community Commercial District. The properties to the north and east of the lot are zoned A-2, Rural Residence District (see Attachment B – Zoning Map). Therefore, by Code, a 25-foot wide buffer yard must be provided on the north and east sides of the property to protect the adjacent A-2 properties. The site plan shows that the required buffer yard is provided on the north side of the property but cannot be provided on the east side of the property given the proposed layout of the site (see Attachment C – Site Plan with Buffer Yards).

The site is approximately 23,400 square feet in size. If the required buffer yards to both the north and east sides of this site were provided, they would occupy approximately 8,500 square feet of the lot or over 36% of the total site. Per Code, the proposed commercial use is permitted in the C-2 zoning district. Also per Code, the owner must comply with required building setbacks, provide the required number of parking spaces, a detention basin, and a suitable dumpster area, and allow an adequate turning radius for fire trucks and delivery trucks and adequate stacking space for vehicles at the drive-up window. The required buffer yard to the east of the site would displace the entire vehicle driveway area and some of the required parking. The proposed commercial building is 1,820 square feet, which is smaller than many, if not most, commercial developments throughout the city. The applicant has found it impossible to meet all of the above requirements and provide the required buffer yard to the east.

Landscaped buffer yards are intended to protect a less intense use from current and future more intense land uses. A review of the site plan and the two residences involved reveals that the nearest portion of the commercial building will be approximately 70 feet away from the nearest portion to the house to the east and 270 feet away from the house to the north.

A wider view of the zoning map shows that the A-2 properties are an island in a sea of commercially zoned lots (see Attachment D – Zoning Island). On an even wider scale, the Future Land Use Map shows the entire area within the triangle to the south of Belmont Road, north of Middle Road, and east of Devils Glen Road to be all commercial zoning in the future (see Attachment E – Land Use Map).

Given all of the above facts and analysis, the applicant feels that strict application of the required buffer yard provisions will render the commercial site literally unusable for a commercial development and that requiring a protective buffer that will not be required when and if the small A-2 area becomes conforming to the future land use map and represents an unreasonable hardship.

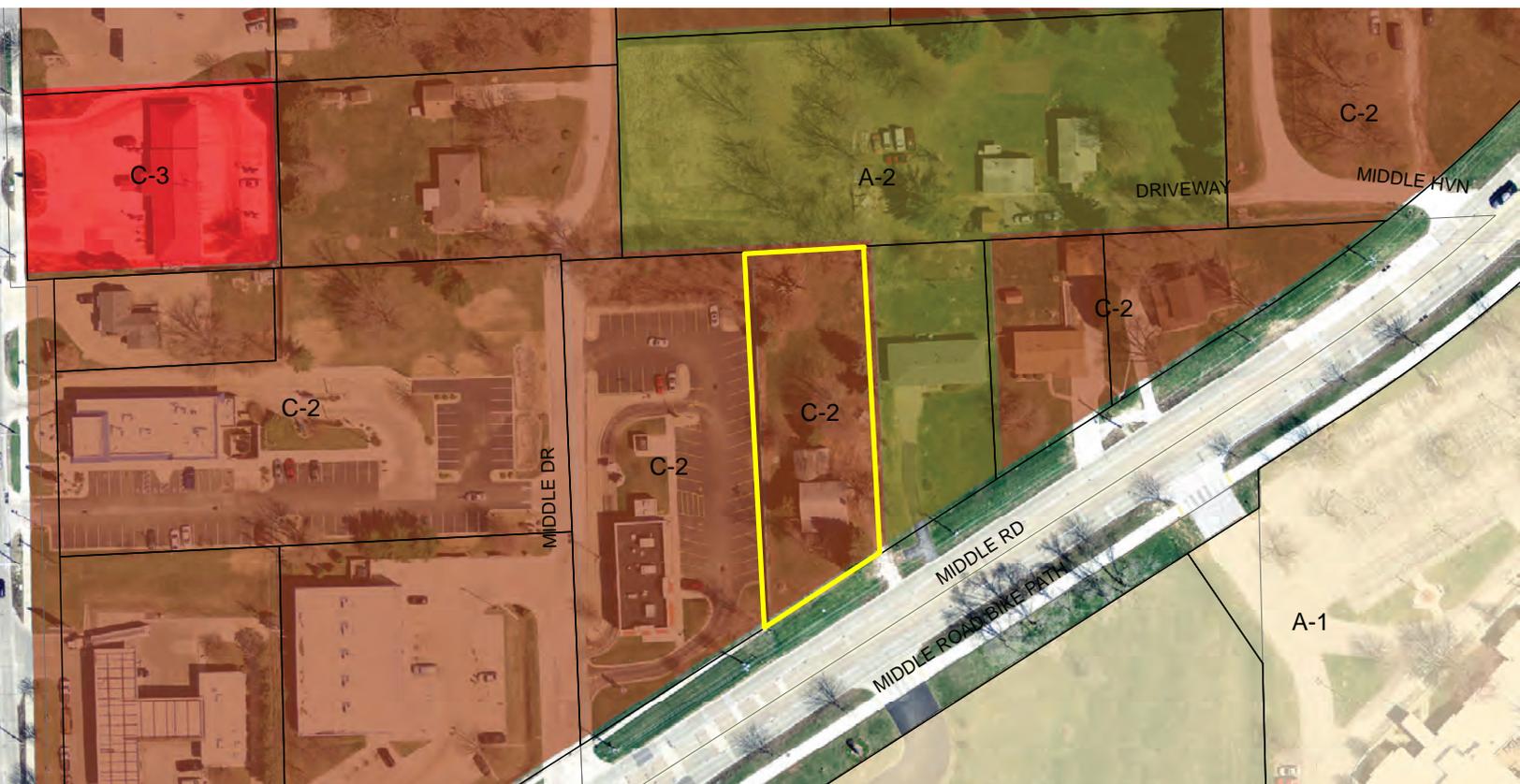
Respectfully submitted,

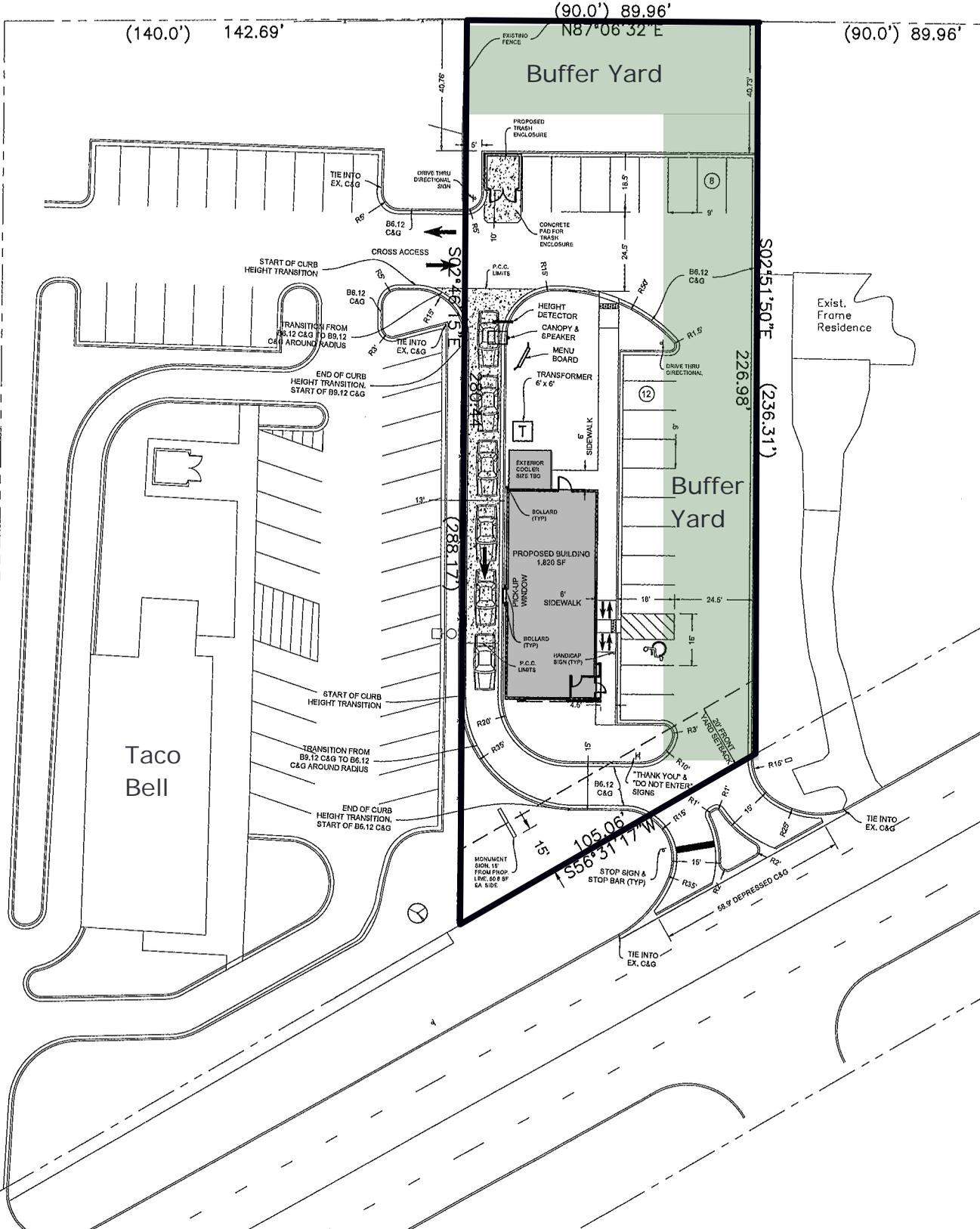
John Soenksen
City Planner

Attachment - A



Attachment - B

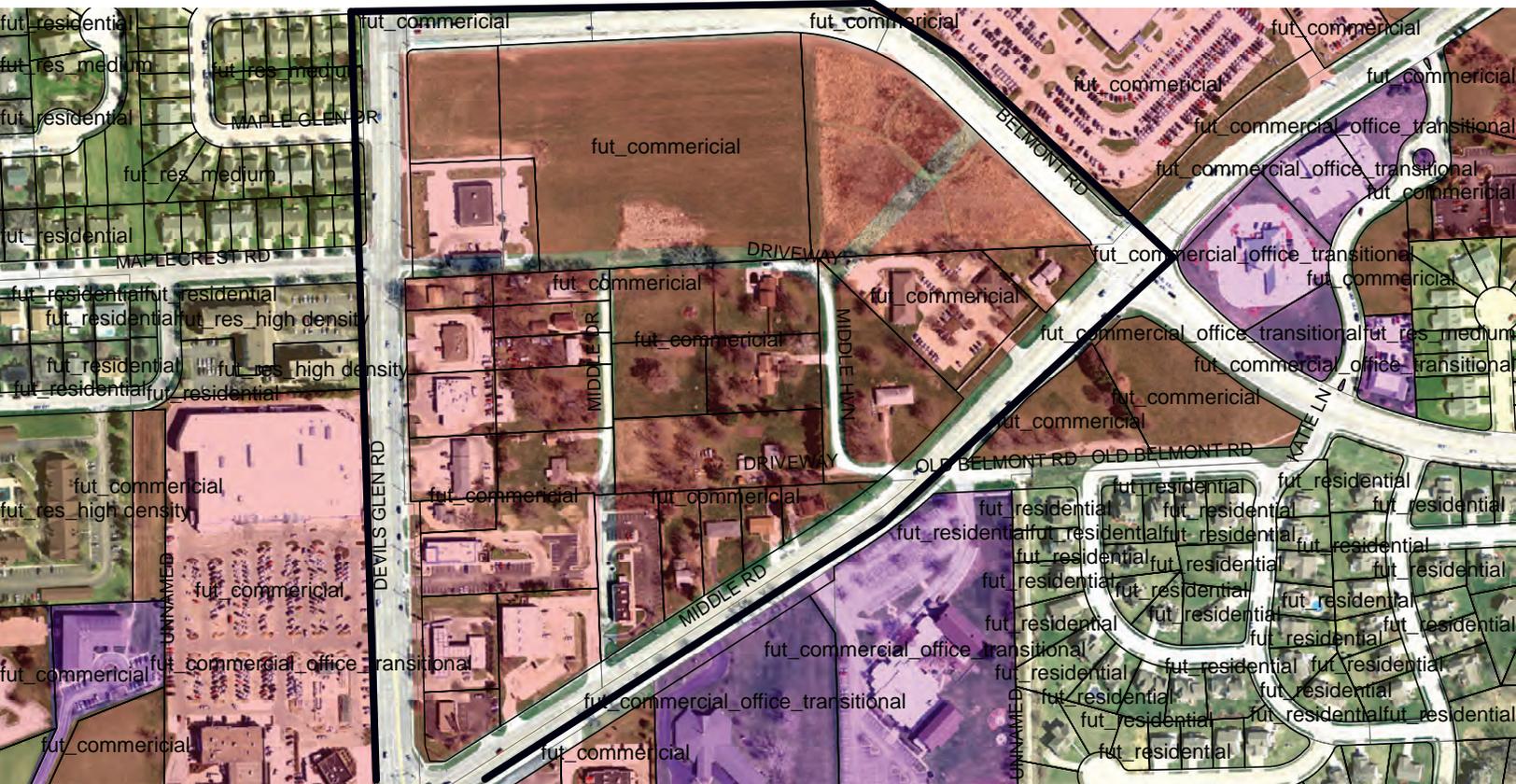




Attachment - D



Attachment - E





Case No. 18-028

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

Part 1. Property Involved.

Street Address Lot 4 of Victor Archer's Addition (Middle Rd.) 3592 Middle Road

Legal Description of the property. Lot 4 in Victor Archer's Addition to the City of Bettendorf, Scott County, Iowa, as per Plat Thereof recorded in Book 140 of Miscellaneous Records, at page 48 in the records of the Recorder's Office of Scott County, Iowa, excepting that portion of said lot conveyed to the City of Bettendorf, Iowa, by deed dated May 17th, 1971, as Document #5677-71 in the Office of the Recorder of Scott County, Iowa

Part 2. Contact Information.

Applicant Name ECA Architects and Planners Phone 630-608-0500 x 105
Address 24 N. Bennett St., Geneva IL 60134 FAX 630-786-3132
E-mail Address: eric@ecaarchitects.com

Owner Name Raj Patel Phone 630-788-9200
Address _____ FAX N/A
E-mail Address: raj@theharigroup.com

Agent Eric Carlson, ECA Architects and Planners Phone 630-608-0500 x 105
Address 24 N. Bennett St., Geneva IL 60134 FAX 630-786-3132
E-mail Address: eric@ecaarchitects.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.)



March 21st, 2018

**APPEAL AND APPLICATION TO THE ZONING BOARD OF
ADJUSTMENT OF BETTENDORF, IOWA FOR A NEW DUNKIN
DONUTS ON LOT 4 OF VICTOR ARCHER'S ADDITION SUBDIVISION
ON MIDDLE RD.**

To: City Council & Zoning Board of Adjustment
c/o Greg Beck
City of Bettendorf
Community Development
4403 Devils Glen Rd.
Bettendorf, IA 52722

The proposed project is in a C-2 Community Commercial District. Drive-Thru restaurants are permitted uses within the district. The adjacent property to the east is zoned A-2, Rural Residence District, requiring a 25' landscape buffer yard per Section 11-10C-6 of the Zoning Code. The proposed Dunkin Donuts drive-thru development requests a variation to reduce the landscape buffer to 0' allowing for the drive lane and parking.

Attach hereto a statement with supporting data noted in Part 3 (1) of the application, that the above proposed variance will conform to the following conditions:

- 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 districts under the terms of this ordinance.*

The Drive-thru restaurant is a permitted use within the C-2 District under Section 11-4-5.
- b. *That will not impair an adequate supply of light and air to the adjacent property.*

The proposed development replaces the landscape buffer with open pavement. The pavement would not impact the supply of light and air to the adjacent property.
- c. *That will not unreasonably increase the congestion in public streets.*

The proposed development complies with current zoning; therefore it would be consistent with the anticipated increase upon the development of the property.

d. That it will not increase the danger of fire or of the public safety

There are no unique features to the proposed development that would increase the danger. Drive lanes are provided for adequate access and circulation for public and emergency personal.

e. That it will not unreasonably diminish or impair established property values within the surrounding areas.

The area along Middle Rd., where the development is proposed is all commercially zoned. It is highly likely that the residentially zoned property will be converted to commercial use in the future, there for the proposed development will enhance the property value as a new nationally recognized business will attract other potential developers.

f. That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the City.

As a nationally recognized franchise business, Dunkin Donuts is a well-respected and caters to the local community providing a positive environment enhancing the items identified above.

Attach hereto a statement with supporting Reasons for Application as per Part 5 of the application, justification for the requested variance.

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.

The lot is a 90' wide lot within a "block" encompassed by Middle Rd, Devils Glen Rd., and Belmont Rd. The "block" consists of approximately 30 lots, of which all but 3 are commercially zoned. The 25 foot landscape buffer essentially reduces the lot to 65' wide, which does not allow for reasonable development within the C-2 district. A drive lane, parking and sidewalk in front of any building requires a minimum of 47', leaving only 18' for a building if oriented the direction of the proposed development. Orienting a building in the east/west direction would limit the parking to approximately 6 total parking spaces if parked on both sides of the drive aisle, and push the building toward the back half of the lot minimizing visibility from Middle Rd. Neither scenario allows for a successful commercial development.

b. If the variance granted is in harmony with the general purpose, intent, and spirit of the ordinance.

The proposed development complies with the zoning of the subject lot, therefore consistent with the purpose, intent, and spirit of the 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.*

The hardship would exist for any proposed commercial development on the lot as demonstrated in the response to item "a" above. There is an existing fence along the property line that is to remain providing reasonable protection to the adjacent residentially zoned property.

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

The subject lot is landlocked by an existing development to the west, and two A-2 zoned lots to the north and east. The lot is currently undevelopable for a reasonable commercial development that would succeed in this location.

Granting the requested variance would be just, by allowing the property to be developed as per the Ordinance.

Respectfully submitted,



Eric Carlson

ECA Architects and Planners