

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

**MEETING NOTICE**  
**BOARD OF ADJUSTMENT**  
**JULY 11, 2019**  
**5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2<sup>nd</sup> Floor, 1609 State Street

1. Roll Call: Clements \_\_\_\_, Falk \_\_\_\_, Gallagher \_\_\_\_, Spranger \_\_\_\_, Tombergs \_\_\_\_
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of May 9, 2019.
4. The Board to hold a public hearing on the following items:
  - a. Case 19-048; 999 Middle Road (C-2) - Variance to increase the allowable size of an electronic programmable sign from 100 square feet to 150 square feet, submitted by Acme Sign Company.
  - b. Case 19-049; 4805 Kynnelworth Drive (R-2) - Variance to allow a 6-foot high fence in the required front yard, submitted by Travis Phillis.
  - c. Case 19-050; 5762 Danielle Drive (PR-3) - Variance to allow a 6-foot high fence in the required front yard, submitted by Damian Brunt.
  - d. Case 19-051; 5738 Danielle Drive (PR-3) - Variance to allow a 6-foot high fence in the required front yard, submitted by June Schindler Revocable Trust.

**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  
MAY 9, 2019  
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Spranger, Tombergs  
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 April 11, 2019.

On motion by Tombergs, seconded by Spranger, that the minutes of the meeting of April 11, 2019 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 19-032; 3145 Welshire Drive (R-2)** - A request for a variance to reduce the required front yard setback from 25 feet to 17 feet to allow for a 20-foot by 8-foot deck, submitted by Dan and Deb Dunn.

Falk 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.

Falk explained that because only 3 members were present, any decision would have to be unanimous. He added that if at any point in the proceedings an applicant chooses to withdraw their application, he or she should do so prior to the vote.

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

Spranger commented that there does not appear to be a precedent in the neighborhood for this type of request and that it would be an anomaly.

Tombergs commented that because the applicants are not present, there is no way to ascertain their reason for wanting to build a deck in the front yard. She added that absent that information, the Board has only the Code to guide their decision.

Soenksen explained that the proposed deck is considered to be a structure but that the applicants could choose to pour a concrete patio of the same dimensions instead. Tombergs asked if the owner is aware of that option. Soenksen confirmed this.

Spranger asked if there are other concrete patios in the front yard in the neighborhood. Falk commented that he did not see anything other than a concrete stoop in the front yards.

On motion by Spranger, seconded by Tombergs, that a variance to reduce the required front yard setback from 25 feet to 17 feet to allow for a 20-foot by 8-foot deck be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 19-033; 4250 Sapphire Lane (R-2) - A request for a variance to allow a 6-foot high fence in the required front yard adjacent to International Drive, submitted by Greg Reckman.

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

Soenksen reviewed the staff report. Staff report is Annex #5 to these minutes. He added that a letter of objection had been received from Roy Shipp of 4202 Sapphire Lane.

Tombergs asked for confirmation that staff has no issues regarding line of sight if the variance is approved given that Shipp expressed that very concern. Soenksen explained that when courtesy letters are mailed to the neighbors, they are not necessarily specific as to the exact location of the proposed fence. He added that Shipp may have thought that

the fence would extend to the intersection of International Drive and Sapphire Lane. He stated that the proposed fence would not at all encroach into the required 35-foot vision triangle.

Spranger commented that the Board has approved variances for 6-foot high fences in required front yards along highly-trafficked streets. Tombergs asked if the current case would fit into that category.

Spranger asked if the applicant could have a 6-foot high fence on the north side but that it would have to taper lower to the west. Soenksen confirmed this.

Tombergs asked if there are any other 6-foot high fences in front yards in the neighborhood. Soenksen stated that he is unaware of any similar cases.

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

Greg Reckman, the applicant, expressed concern about the increasing amount of vehicular traffic along Forest Grove Drive and pedestrians along the bike path. He explained that a 4-foot high fence would not be adequate to prevent people on Forest Grove Drive from looking into his house and have access to his children playing in the yard. He stated that there have been variances granted for 6-foot high fences in his subdivision.

Falk asked if the fence parallel to Forest Grove Drive could be 6 feet tall and that a fence along International Drive would have to be 4 feet tall. Soenksen demonstrated the location where a 6-foot high fence would be allowed to be located if required setbacks are observed. He commented that there are 3 required front yards on the property. Falk commented that the applicant's main concern seems to be the traffic along Forest Grove Drive where a 6-foot high fence would be allowed for a portion of the lot. Reckman stated that he wants to have a 6-foot high fence on the west because pedestrians and motorists along Forest Grove Drive can see into his side yard as well.

Amanda Panek, 6612 International Drive, commented that if the proposed fence were placed further back from Sapphire Lane she believes that her concerns regarding line of sight and the obtrusiveness of the fence would be alleviated. Reckman stated that he does not believe that moving the fence further from Sapphire Lane would affect the line of sight.

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

Spranger commented that the streets involved are quite busy, reiterating that variances have been granted for higher-traffic areas.

Tombergs commented that the applicant could have a 6-foot high fence if it were placed 25 feet from the property line on the west side. Soenksen confirmed this. Tombergs stated that given the increasing amount of development in the area, she would support the request.

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

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- c. Case 19-034; 4895 Heatherstone Road (A-2) - A request for a variance to allow a 10-foot fence in the required rear yard, submitted by John Boosalis.

Falk 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 commented that subsequent to publication of the request, the applicant amended his request to reduce the proposed height of the fence to 8 feet. He explained that because the proposed 8-foot high fence is less than what was originally requested, the public hearing can be held.

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

Spranger asked if the entire rear yard of a house with a pool has to be enclosed. Soenksen confirmed this. Spranger asked if only the height of the fence along the rear property line is included in the variance request. Soenksen confirmed this.

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

John Boosalis, the applicant, explained that because there is an approximately 2-foot change in elevation from the pool area to the rear property line the proposed 8-foot high fence would only appear to be 6 feet high.

Falk asked if it would appear as though the proposed 8-foot high section of the fence would be at a similar height as those of his neighbors. Boosalis stated that this is not the case but that his fence would appear to be higher. Soenksen added that the neighboring lots also have a drop-off so that their fences would appear shorter than the applicant's.

Bob Kline, 4925 Heatherstone Road, expressed his support for the request. He commented that the lot adjacent to the rear yard of the applicant's is oddly-shaped and that the house sits further back on the lot than is typical and is therefore closer.

Jim Gray, 4865 Heatherstone Road, expressed his support for the request. He indicated that he has spoken at length with the applicant about his plans and has no objections.

John Baker, 4860 Heatherstone Road, stated that he would have no objections to even a 10-foot high fence.

Falk asked if there was anyone present wishing to speak in opposition to the request.

Gretchen Robinson, 26 Briarwood Lane, stated that he has had an ongoing property line dispute with the applicant and requested that any approval of the variance be based on the actual property line, not the distance shown on the plot plan from the house or pool. Falk explained that the issue for the Board is only related to the height of the fence. He added that the Building Department would make a determination as to where the fence would be allowed to be placed.

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

On motion by Tombergs, seconded by Falk, that a variance to allow an 8-foot high fence in the required rear yard be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:40 p.m.

These minutes and annexes approved \_\_\_\_\_

\_\_\_\_\_  
John Soenksen  
Community Development Director



## COMMUNITY DEVELOPMENT

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

July 11, 2019

Staff Report

### **Case No. 19-048**

**Location:** 999 Middle Road

**Applicant:** Acme Sign Company

**Zoning Designation:** C-2, Community Commercial District

**Request:** Variance to increase the allowable size of an electronic programmable sign from 100 square feet to 150 square feet.

### **Background Information and Facts**

The site is located at the intersection of Interstate 74 and Middle Road (see Attachment A – Location Map). The sign has a total programmable area of 150 square feet; in 2014 a variance was granted allowing the applicant to use 100 square feet for electronic copy. The applicant is asking to be able to use the entire programmable portion of this sign.

### **Staff Analysis**

Since the variance was granted time, the owner/operator of this business has complied with the size restriction of the programmable area (see Attachment B – Current Display). At the time of that variance, the Board indicated that they would be interested to see what, if any, effect the restriction of the programmable portion would be on the sign's readability from the interstate. With the improvements currently being made to the I-74 corridor (widening, additional lanes, and straightening) staff admits that the display of the programmable portion is somewhat difficult to discern for westbound (northbound in Bettendorf) traffic on I-74. Therefore, the applicant is asking permission to use the entire (150 square foot) portion of the programmable area of the sign (see Attachment C – Request).

The sign is situated such that the programmable portion should not affect traffic using Middle Road. It appears that the request will make the sign more readable from I-74.

### **Staff Recommendation**

Given the applicant's compliance with the original restriction for the last 5 years, staff is confident that the applicant would be willing to adjust the sign if the variance is granted and if, in the future, the brightness of the sign poses a problem.

Respectfully submitted,

John Soenksen  
City Planner





← 100 square feet





Case No. 19-048

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

Part 1. Property Involved.

Street Address 999 - MIDDLE RD

Legal Description of the property.

LOT 1 MOLO OIL 2nd Add

Part 2. Contact Information.

Applicant Name ACMB SIGN CO. INC. Phone 563-322-7947

Address 1504 W. 4TH ST DAVENPORT, IA FAX 563-322-7948

E-mail Address: JARVIS.DOUGLAS@ACMBSIGNCOINC.COM

Owner Name MOLO OIL Phone 563-557-7540

Address PO BOX 1540 DUBUQUE, IA 52004 FAX 563-557-9632

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.

WE REQUEST THAT WE ARE ALLOWED TO USE THE WHOLE 10' X 15' ELECTRONIC MESSAGE SIGN AREA OF THE SIGN AT THE TIME THE SIGN WAS PASSED BY VARIANCE - AT BOARD MEETING THERE WAS CONVERSATION THAT THE CODE WAS GOING TO CHANGE ALLOWING INCREASED SIZE

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.

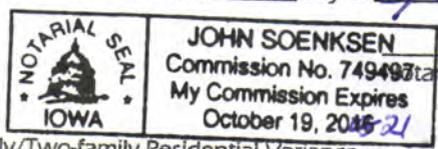
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Signature of Applicant Mark & Marie Signature of Owner Mark & Marie  
 (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 14<sup>th</sup> day of June, 20 19.



John Soenk  
 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 Soenk  
 Amount 100 Date 6-14-2019





## COMMUNITY DEVELOPMENT

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

July 11, 2019

Staff Report

### **Case No. 19-049**

**Location:** 4805 Kynnelworth Drive

**Applicant:** Travis and Katie Phillis

**Zoning Designation:** R-2, Single-Family Residence District

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

### **Background Information and Facts**

The site is at the intersection of Kynnelworth Drive and 18<sup>th</sup> Street and has three street frontages (see Attachment A – Location Map.) The applicant would like to place a 6-foot high fence adjacent to both Kynnelworth Drive frontages and 18<sup>th</sup> Street (see Attachment B – Plot Plan).

### **Staff Analysis**

The applicant's current fence and the adjacent fences north of this location are currently set at the property line adjacent to 18<sup>th</sup> Street, but all of these fences are 4 feet high as allowed by the Code (see Attachment C – Neighbor's Fences).

Because of the configuration of this lot, front yard setback requirements must be observed adjacent to 18<sup>th</sup> Street and both Kynnelworth Drive frontages. The Code states that no more than a 4-foot high fence is allowed in the traditional rear yard of a through lot within 10 feet of the property line. If a fence is located within 15 feet or less of the property line, a minimum of one evergreen type plant or comparable landscape planting must be placed between the fence and the right-of-way line for every 25 linear feet of fence. The proposed fence placement would not allow sufficient space for the required landscaping.

Directly across 18<sup>th</sup> Street from the applicant's lot is a 6-foot high fence adjacent to 18<sup>th</sup> Street. That fence is set back 15 feet from 18<sup>th</sup> Street and has considerable landscaping outside (on the 18<sup>th</sup> Street side) the fence (see Attachment D – Fence East of Request).

Traveling further north on the east side of 18<sup>th</sup> Street are numerous 6-foot high fences; all of those fences are set back 5 feet from the involved property lines (see Attachment E – East Side Fences Continuing North).

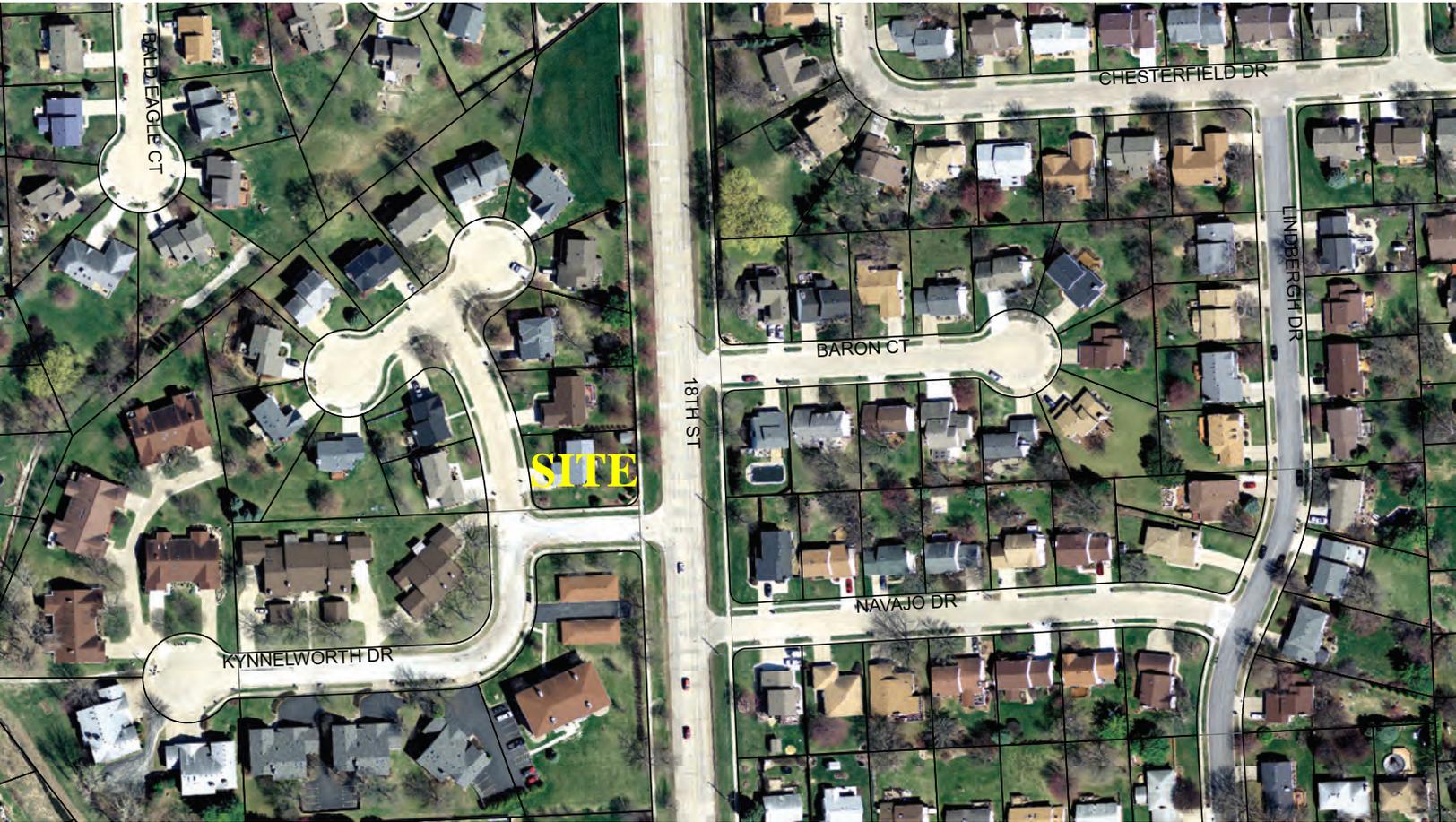
It is obvious that 6-foot high fences have been allowed in this area along 18<sup>th</sup> Street; however, all of those fences are set back away from the property line and not immediately adjacent to the public sidewalks as requested by the applicant.

18<sup>th</sup> Street is a 4-lane roadway and serves as a major north-south thoroughfare. Kynnelworth Drive, however, is a 2-lane residential street serving few single-family residences. The Board has not been receptive to 6-foot high fences adjacent to residential street with low traffic counts.

Respectfully submitted,

John Soenksen  
City Planner

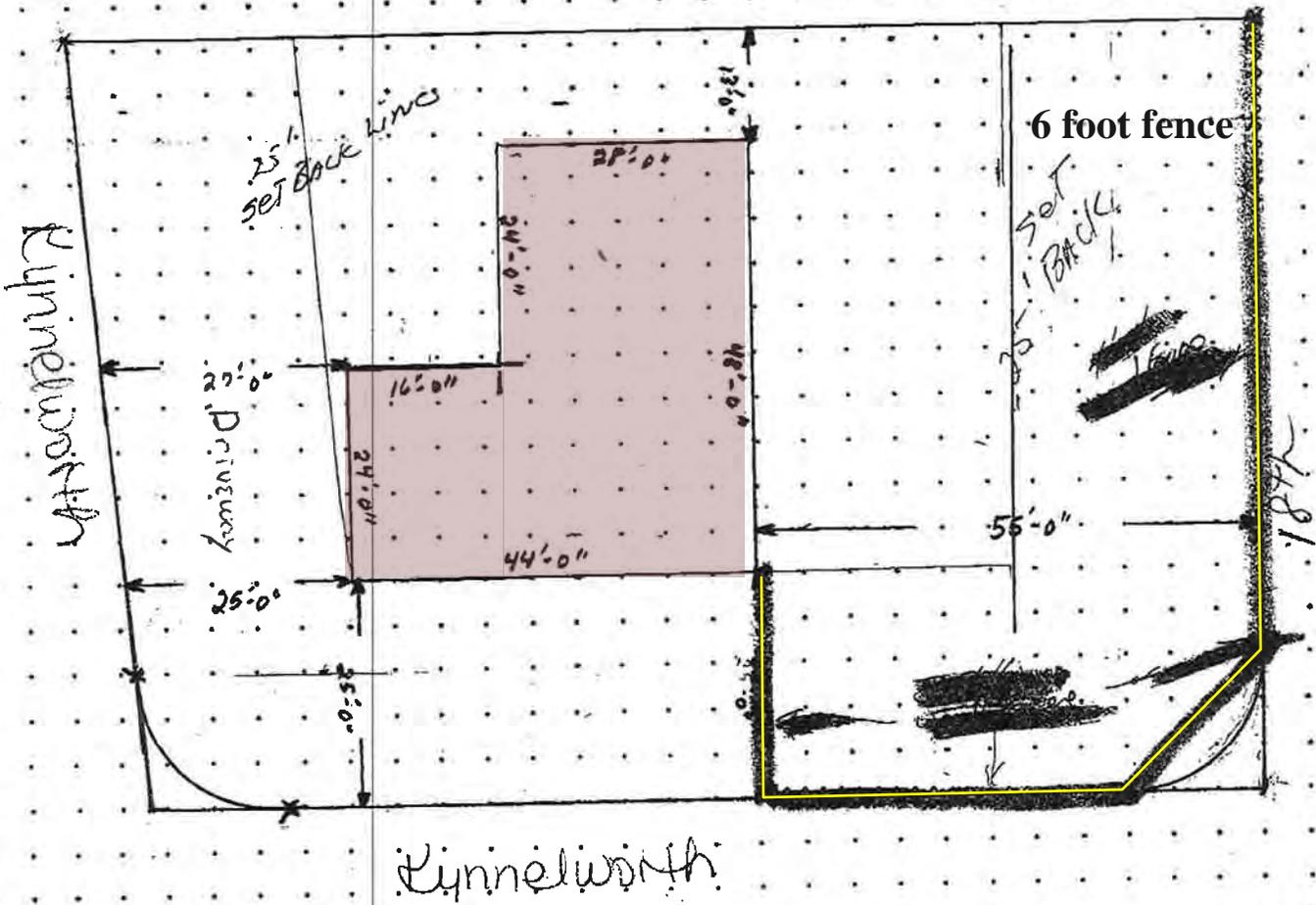
# Attachment - A



**PLOT PLAN**

**COST BREAKDOWN**

BUILDING	84,000 <sup>00</sup>
PLUMBING	9,000 <sup>00</sup>
HEATING & AIR CONDITIONING	6,000 <sup>00</sup>
ELECTRICAL	5,000 <sup>00</sup>
<b>TOTAL</b>	<b>104,000<sup>00</sup></b>



SCALE 1" = 20'-0"

**FOUR FOOT FENCE**





15 feet

Attachment - D

**Attachment - E**



← Five Feet →



Case No. 19-049

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

Part 1. Property Involved.

Street Address 4805 KYNNELWORTH DR

Legal Description of the property. \_\_\_\_\_

LOT 1 Kynnelworth 4th Add

Part 2. Contact Information.

Applicant Name TRAVIS & KATIE PHILLIS Phone 563-676-6970

Address 4805 KYNNELWORTH DR FAX \_\_\_\_\_

E-mail Address: travis.phillis@gmail.com

Owner Name SAME Phone \_\_\_\_\_

Address \_\_\_\_\_ FAX \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ FAX \_\_\_\_\_

E-mail Address: travis.phillise@gmail.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 \_\_\_\_\_ 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.

*We are requesting this variance of the 6 ft fence for the safety & privacy of our small children. Our home sits on a corner lot that not only sees a tremendous amount of vehicle traffic but also walking traffic as well. Our main concern is not being able to secure backyard to the point that we feel safe our small children are not only out of arms reach from bystanders but out of view from unwanted & suspicious eyesight. We are trying our best to build a safe home for our children where they can grow up & feel secure in there own living space.*

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

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

**Part 7. Signature.**

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

Signature of Applicant *[Signature]* Signature of Owner \_\_\_\_\_  
 (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 20 day of June, 20 19.

*[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 \_\_\_\_\_ Date \_\_\_\_\_  
*Credit Card*



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

July 11, 2019

Staff Report

**Case No. 19-050**

**Location:** 5762 Danielle Drive

**Applicant:** Damian Brunt

**Zoning Designation:** PR-3 (Planned Residential Overlay District)

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

**Background Information and Facts**

The owners of two adjacent lots between Danielle Drive and Devils Glen Road would like to place a 6-foot high fence on their property lines adjacent to Devils Glen Road (see Attachment A – Location Map). The proposed placement of the fence for the subject property is shown by the red line on both Attachment A and Attachment B (Plot Plan).

**Staff Analysis**

Because of the configuration of this lot, front yard setback requirements must be observed adjacent to both Devils Glen Road and Danielle Drive. The Code states that no more than a 4-foot high fence is allowed in the traditional rear yard of a through lot within 10 feet of the property line. If a fence is located within 15 feet or less of the property line, a minimum of one evergreen type plant or comparable landscape planting must be placed between the fence and the right-of-way line for every 25 linear feet of fence.

While the Board has recognized in the past that 6-foot high fences adjacent to recreational trails and multi-lane streets may be justified, typically a 10-foot setback is imposed in order to reduce the adverse aesthetic impact of the increased height of the proposed fence. Fences adjacent to normal residential streets and sidewalks should be required to adhere to the 4-foot height requirement. The recreational trail adjacent to the applicant's lot is 10-feet wide, which is the widest trail used by the city.

Devils Glen Road is becoming more heavily traveled each year as development continues along the road and to the north of the area including the developments occurring at the Bettplex Subdivision. There is sufficient right-of-way for Devils Glen Road to be widened to at least four lanes in the future from 53<sup>rd</sup> Avenue to Forest Grove Drive. That widening project is not scheduled within the next five years.

Staff has made site visits regarding this request and believe that the request, if approved, will not interfere with any line-of-sight issues for any vehicular traffic in the area.

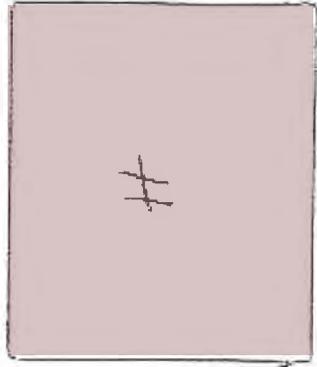
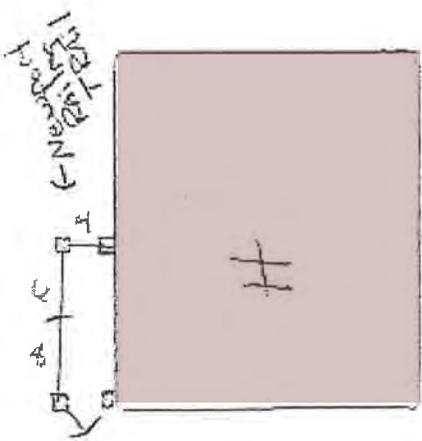
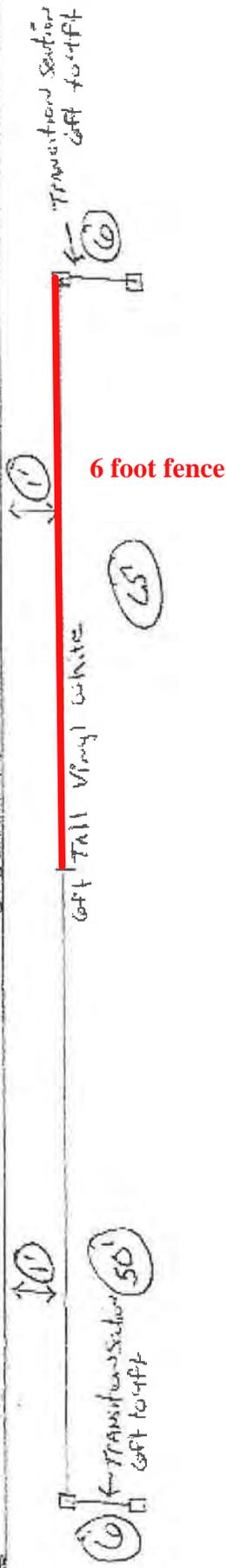
Respectfully submitted,

John Soenksen  
City Planner



Devils Glen Rd

SIDEWALK



5738 DANIELLE DR  
JUNE SCHINDLER

5768 DANIELLE DR  
DAMIEN BRUNT



Case No. 19-050

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

Part 1. Property Involved.  
Street Address: 5762 DANIELLE DR.

Legal Description of the property: LOT 2 of the Fountains 8th ADDITION

Part 2. Contact Information.

Applicant Name: DAMIAN BRUNT Phone: 563-340-6172  
Address: 5762 DANIELLE DR. FAX: \_\_\_\_\_  
E-mail Address: Rmazzo096@hotmail.com

Owner Name: Same Phone: \_\_\_\_\_  
Address: Same 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.)



City of Bettendorf

06/20/19

Zoning Board

Application for Variance/Exemption to Fence Code set back

This applicant (Damian Brunt) of 5762 Danielle Drive is requesting a variance to the current code requirement of a 6' high fence be at a 30' setback. The location of this property is in a 55 plus retirement facility and the property in question, the back yard of the property is up against an extremely busy road (Devils Glen Road) and the Bettendorf Recreational Trail that borders this property. The current location of the structure (of 5762 Danielle Drive) itself is 33' back from the side walk to the start of the concrete patio. My neighbor's whom is also applying for variance, the structure itself is 23' back from the sidewalk to the start of the concrete patio. Out of concern for privacy, safety and any unwanted intrusions to the property, I am requesting the 6' high privacy fence be located 1' from the Bettendorf Recreational trail the length of the property. This request has also been reviewed by the Fountains and approved pending the fence be white and match another current owners on the same street. The fence would be installed by a professional fence company (Lovewell Fencing) and will follow applicable fence installation codes and requirements. Sketch of the installation is also an attachment for viewing. Your consideration is appreciated.

Sincerely,  
Damian Brunt  
5762 Danielle Drive  
Bettendorf, Iowa 52722

Devils Glen Rd

SEDEWALK



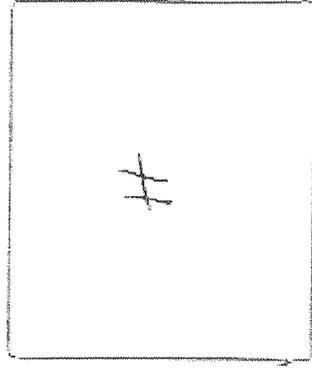
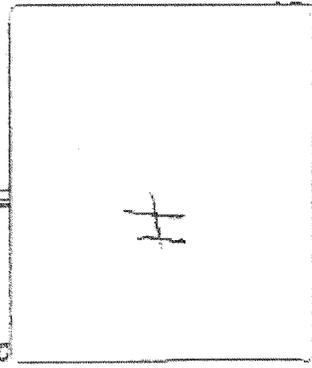
GET TAIL VINYL WHITE

(LS)



TRANSISTOR SECTION  
GET TAFT

TRANSISTOR SECTION  
GET TAFT



5738 Danielle Dr  
Tune Schindler

5762 Danielle Dr  
Damian Brunt



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

July 11, 2019

Staff Report

**Case No. 19-051**

**Location:** 5738 Danielle Drive

**Applicant:** June Schindler Trust

**Zoning Designation:** PR-3 (Planned Residential Overlay District)

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

**Background Information and Facts**

The owners of two adjacent lots between Danielle Drive and Devils Glen Road would like to place a 6-foot high fence on their property lines adjacent to Devils Glen Road (see Attachment A – Location Map). The proposed placement of the fence for the subject property is shown by the red line on both Attachment A and Attachment B (Plot Plan).

**Staff Analysis**

Because of the configuration of this lot, front yard setback requirements must be observed adjacent to both Devils Glen Road and Danielle Drive. The Code states that no more than a 4-foot high fence is allowed in the traditional rear yard of a through lot within 10 feet of the property line. If a fence is located within 15 feet or less of the property line, a minimum of one evergreen type plant or comparable landscape planting must be placed between the fence and the right-of-way line for every 25 linear feet of fence.

While the Board has recognized in the past that 6-foot high fences adjacent to recreational trails and multi-lane streets may be justified, typically a 10-foot setback is imposed in order to reduce the adverse aesthetic impact of the increased height of the proposed fence. Fences adjacent to normal residential streets and sidewalks should be required to adhere to the 4-foot height requirement. The recreational trail adjacent to the applicant's lot is 10-feet wide, which is the widest trail used by the city.

Devils Glen Road is becoming more heavily traveled each year as development continues along the road and to the north of the area including the developments occurring at the Bettplex Subdivision. There is sufficient right-of-way for Devils Glen Road to be widened to at least four lanes in the future from 53<sup>rd</sup> Avenue to Forest Grove Drive. That widening project is not scheduled within the next five years.

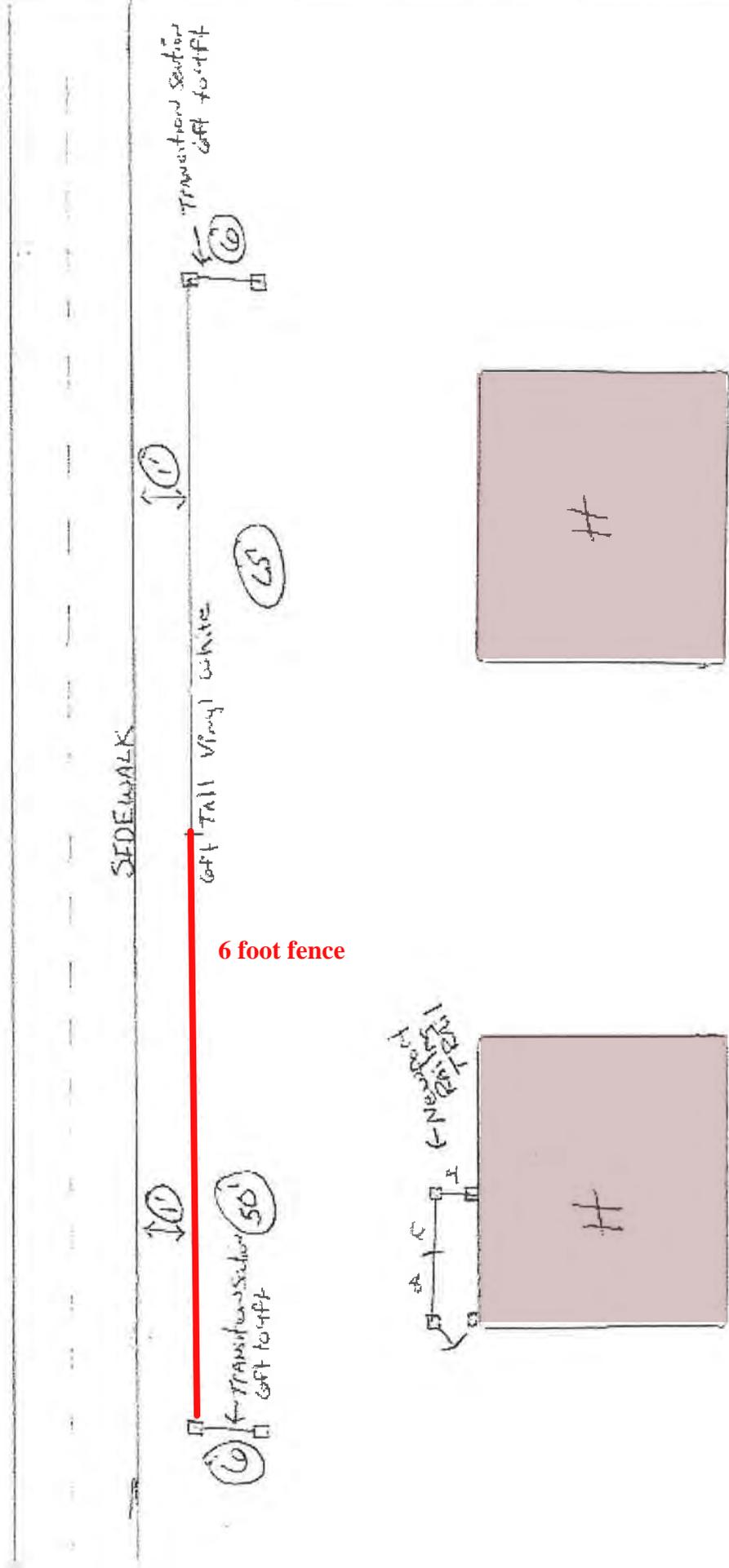
Staff has made site visits regarding this request and believe that the request, if approved, will not interfere with any line-of-sight issues for any vehicular traffic in the area.

Respectfully submitted,

John Soenksen  
City Planner



Devils Glen Rd



5762 Danielle Dr  
DAMIEN BRUNT

5738 Danielle Dr  
Tina Schindler



Case No. 19-051

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

Part 1. Property Involved.

Street Address: 5738 Danielle Drive Bettendorf, IA 52722

Legal Description of the property: ~~single family home~~  
LOT 1 Fountains & m Add

Part 2. Contact Information.

Applicant Name: June Schindler - Revocable Trust Phone: 563-359-0476  
Address: 5738 Danielle Drive, Bett IA FAX: \_\_\_\_\_  
E-mail Address: junebug1527@msn.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.

see attached letter and fence diagram

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

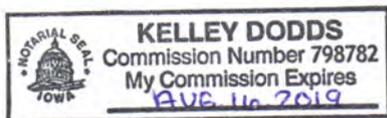
State of Iowa )  
                          ) SS  
County of Scott )

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 21<sup>st</sup> day of JUNE, 20 19  
Kelley Dodds  
Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.  
\$ 50.00 Single Family/Two-family Residential Variance  
\$100.00 All Other Applications

Received by [Signature]  
Amount \$50 Date 6-21-2019  
Credit Card



June M. Schindler  
5738 Danielle Drive  
Bettendorf, IA 52722

June 21, 2019

City of Bettendorf  
Zoning Board

RE: Application for Variance/Exemption to Fence Code Set Back

This is a request for variance for fencing on my property at 5738 Danielle Drive. I understand that the City currently requires a 30' setback for placement of a 6' high fence.

My home (an individual villa) is in a 55+ retirement community. The backyard of my property faces west and ends at the Bettendorf Recreational Trail, just 23' from my concrete patio, and 25' from the structure itself. It also faces Devils Glen Road, an extremely busy road, with heavy, increasing traffic from residential and commercial developments to the north.

I am very concerned about safety, privacy, and unwanted intrusions on my property from the busy recreational trail and Devil's Glen Road. Activity on the trail also limits the functionality of any electronic security I may install due to obvious frequent movement on the trail.

Therefore, I am requesting a variance to allow a 6' privacy fence to be located 1' from the trail to extend the length of my property. This request has been approved by the Fountains General Manager, providing that the fence be white and match other fences located on Fountains properties to the south. The fence would be installed by a professional fence company (Lovewell Fencing) and will follow applicable fence installation codes and requirements. A sketch of the installation is attached.

My neighbors to the north, Damian and Linda Brunt, 5762 Danielle Drive, are also requesting the variance. We plan to install the fencing across both properties to provide a continuous visual appearance from the recreational path and Devil's Glen Road.

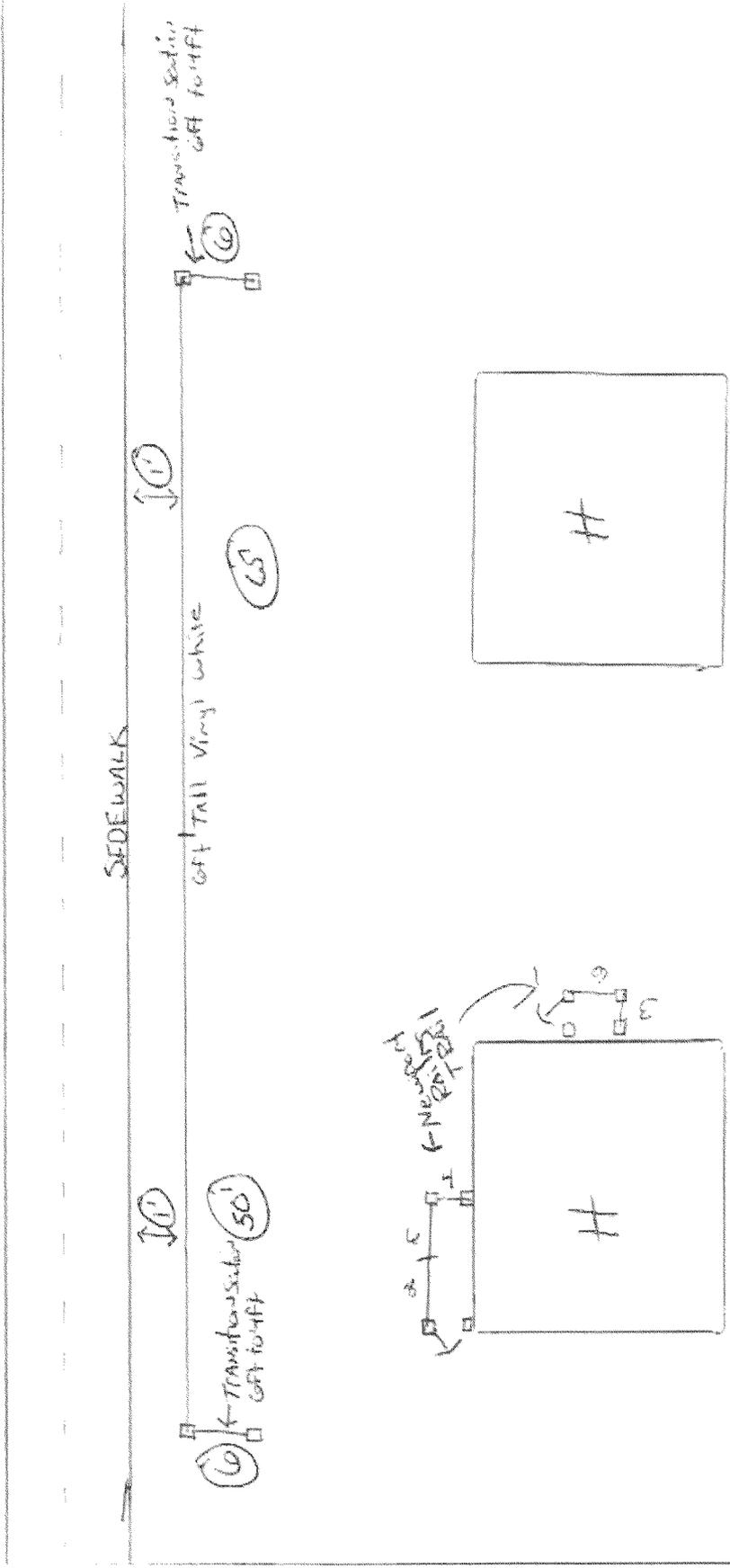
Your consideration is very much appreciated.

Sincerely,



June M. Schindler

Devils Glen Rd



5738 Danielle Dr  
June Schindler

5762 Danielle Dr  
Damian Brunt